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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 11, 1995

EXECUTIVE SESSION

5:00 p.m.

Attorney-Client Conference
Pending Litigation

a. Unlitigated Claim of James R. Roy
Claim No. 93-02657

b. Robert C. Coffey v. CCSF, et al
Santa Clara County Municipal Court No. 247-340

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 11, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Notification of Retirement of Officer Edward McDonough
6. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Tyree E. Bank, Ingleside Station (File No. C45-025 JWA)
7. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Kenneth C. Nichols, Taraval Station (File Nos. C34-244 JWA and C45-064 JWA)
8. Chief's Report to the Police Commission
9. Request of the Chief of Police for Approval of Supplemental Appropriation Amounting to $2,715 200 to Fund Various Anticipated Deficits and Costs Related to the Hiring of Police Officers
10. Request of the Chief of Police for Approval of Housing Contract with SFPD
11. OCC Director's Report to the Police Commission
12. Presentation of OCC Statistical Report for November, 1994

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CALENDAR OF PROCEEDINGS continued

13. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

14. Hearing on Charges Filed Against Officer Eugene M. Yoshi, Northern Station (File No. RLC C45-209)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of Used Pick-up Truck from Officer Michael Cleary for Use of the Crime Prevention Company

2. Request of the Chief of Police to Accept a 1986 Ford Ranger from the Allstate Insurance Company for Use of the Auto Detail

3. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following:

Felix Goldberg	Edward Teper
Edmund Jung	John Diesso
Tommy S. Wong	George Lancia

4. Recommendation of the City Attorney for Settlement of the following claims:

a. Unlitigated Claim of James R. Roy	$12,500.00
b. Robert C. Coffey v. CCSF, et al	10,000.00

JANUARY 11, 1995 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:00 p.m. to 5:35 p.m., in an Executive Session.

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Attorney-Client Conference
Pending Litigation

a. Unlitigated Claim of James R. Roy
b. Robert C. Coffey v. CCSF, et al

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

JANUARY 11, 1995 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low stated that the Commission met in Executive Session regarding pending litigation.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Hewlett to approve Consent Calendar. 4-0.

RESOLUTION NO. 7-95

APPROVAL TO ACCEPT DONATION OF USED PICK-UP TRUCK FROM OFFICER MICHAEL CLEARY FOR USE OF THE CRIME PREVENTION COMPANY

RESOLVED, that the Police Commission hereby approves the acceptance of a 1983 Ford Ranger Pick-up Truck, License No. 2D25361, valued at approximately $2,000.00, from Officer Michael Cleary, for the use of the Crime Prevention Company.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 8-95

APPROVAL TO ACCEPT DONATION OF A 1986 FORD RANGER PICK-UP TRUCK FROM THE ALLSTATE INSURANCE COMPANY FOR THE USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the acceptance of a 1986 Ford Ranger Pick-up Truck, valued at approximately $1,350.00, from the Allstate Insurance Company, for the use of the Auto Detail.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 9-95

TAXICAB OWNERS PERMIT FOR FELIX GOLDBERG

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WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Felix Goldberg, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Felix Goldberg.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 10-95

TAXICAB OWNERS PERMIT FOR EDMUND JUNG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Edmund Jung, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Edmund Jung.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 11-95

TAXICAB OWNERS PERMIT FOR TOMMY S. WONG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Tommy S. Wong, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Tommy S. Wong.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 12-95

TAXICAB OWNERS PERMIT FOR EDWARD TEPER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Edward Teper, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Edward Teper.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 13-95

TAXICAB OWNERS PERMIT FOR JOHN DIESSO

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that John Diesso, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John Diesso.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 14-95

TAXICAB OWNERS PERMIT FOR GEORGE LANCIA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that George Lancia, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to George Lancia.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 15-95

UNLITIGATED CLAIM OF JAMES R. ROY

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "James R. Roy" in Claim No. 93-02657 in the amount of $12,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 3, 1993

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 16-95

ROBERT C. COFFEY v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Robert

C. Coffey v. CCSF et al" in Santa Clara County Municipal Court No. 247-340 in the amount of $10,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 12, 1991

Ayes: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

a. Notification of Retirement of Officer Edward McDonough

Commissioner Low announced next meeting will be January 18th and he also stated that due to the retirement of Officer McDonough, this matter is taken off calendar.

RESOLUTION NO. 1-95

HEARING OF POLICE OFFICER EDWARD McDONOUGH, SUPPORT SERVICES DIVISION

WHEREAS, on August 24, 1994, Anthony Ribera, Chief of Police, made and served charges against Police Officer Edward McDonough, Support Services Division, as follows:

SPECIFICATION NO. 1

Failure to follow the instructions of attending physicians while on disability leave and engaging in activities which could aggravate his injuries while on disability leave (violation of Rule IX, subsection E and H, of General Order D-8 of the San Francisco Police Department);

SPECIFICATION NO. 2

Falsely reporting himself sick or injured (violation of Rule B-3 of General Order D-01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer truthfully and without evasion when questioned by a Management Control Division investigator (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, the Police Commission set Wednesday, January 11, 1995, as the date for the hearing on charges filed against Officer McDonough; and

[illegible] hief of Police Anthony Ribera announced Police Officer Edward McDonough has retired from the San Francisco Police Department, said retirement effective close of business December 21 1994; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Edward McDonough, be, and the same are hereby continued off calendar.

AYES: Commissioner Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 2-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER TYREE E. BANKS, INGLESIDE STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Tyree E. Banks, Ingleside Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Banks; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tyree E. Banks and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 3-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER KENNETH C. NICHOLS, TARAVAL STATION (FILE NOS. C45-064 AND C34-244 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kenneth C. Nichols, Taraval Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Nichols; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kenneth C. Nichols and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that he would like to coordinate and schedule the district meetings of the Police Commission with the enforcement of the district stations. That matter would be coordinated with the Commission Office.

Deputy Chief Petrini then described the number of nightclubs in the Southern District and briefed the Commission on the problems with crimes in this area since spring of 1994. He stated that a task force was formed under Captain Yalon and enforcement beg[illegible]; He stated during New Year's eve there were three events in the Southern District with the closure of one club, 541 Natoma, because of no permits and also the closing of a party at 938 Harrison Street. He indicated that there is an

ongoing OCC, Management Control and criminal investigations into the matter and complaints stemming from the same. The Chief has asked Lt. Davenport of the Management Control Division to respond within six weeks. OCC has two investigators assigned under the supervision of Barbara Attard. She stated hopefully the investigation will be within six to eight weeks.

Commissioner Low discussed possibility of the Department working with the Alcohol Beverage Control office regarding enforcing training for members of the department.

PUBLIC COMMENTS

Keith McHenry, Food Not Bombs, discussed police violation and missing OCC cases.

Nancy Clarence, attorney representing persons arrested New Year's Eve at 938 Harrison, expressed concerns regarding police conduct at the event and stated she has filed complaint wit' CC and will cooperate with OCC investigators.

Joey Caine attendee at the party 938 Harrison complained regarding actions of the police and officers not displaying badges.

Lee Shannon or Jerry, of the event, complains regarding actions of police and asked for immediate investigation of officers involved.

Samuel Topiry, attendee, briefed the Commission and stated there was no alcohol at the event.

Jody Jones, guest at the party, discussed her observations at the party and asked for immediate investigation and apology from the department.

Ivane Reed complained regarding actions of police and excessive force.

Pat Reese was a guest at the party and discussed concerns regarding actions of police.

John Crew, ACLU, discussed a letter faxed late today and asked the Commission to look into his suggestions. He also discussed complaints against . . . Haggett and asked that the early warning . . . . . 8th. He also discussed the taking of photographic equipment and asked the matter be calendared. He further discussed an individual's right to blood alcohol test when arrested for being drunk in public. He then asked for a response to the issues addressed in the letter he had sent.

Commissioner Hewlett then discussed the matters and asked the City Attorney to research the legal equipment for private parties.

Bruce Kapsack discussed photographic equipment seized during arrest.

Jerry Bubrier, attendee of 938 Harrison, discussed actions of police.

Hank Wilson discussed concerns and stated that actions of the few shouldn't tarnish the image of the department.

Jim Stewart expressed his concerns.

Commissioner Low then stated that the Commission wants all the facts regarding this incident out as soon as possible.

Commissioner Hewlett then asked that amendment to General Order 5.7 regarding seizing of cameras be calendared to January 18th. She also asked that the early warning system be calendared for January 18th.

Commissioner Friday then made a statement and thanked everyone for their cooperation during the

meeting regarding the comments of the incident at 938 Harrison Street.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,715,200 TO FUND VARIOUS ANTICIPATED DEFICITS AND COSTS RELATED TO THE HIRING OF POLICE OFFICERS

Lieutenant Larry Ryan presented the Supplement Appropriation. Motion by Commissioner Low, second by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 4-95

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,715,200 TO FUND VARIOUS ANTICIPATED DEFICITS AND COSTS RELATED TO THE HIRING OF POLICE OFFICERS

WHEREAS, the voters of the City and County of San Francisco approved Proposition D which requires full staffing of the Police Department, by June, 1995; and

WHEREAS, Proposition D was passed after the 1994-95 budget was submitted; and

WHEREAS, a number of expenditures are related to the full staffing; and

WHEREAS, it is necessary to fund overtime related to the recent newspaper strike and other serious events; and

WHEREAS, it is necessary to fund vehicle maintenance due to the manner in which the City acquires replacement vehicles; and

WHEREAS, it is necessary to purchase a Firearms Training Simulator Machine to train officers; and

WHEREAS, it is necessary to purchase semi-automatic handguns for 266 recruits; and

WHEREAS, it is necessary to provide additional funds for the extradition of prisoners; be it therefore

RESOLVED, that the Police Commission approves a supplemental appropriation in the amount of $2,715,200 to fund the requested items.

AYES: Commissioners Frid[illegible], Hewlett, Low, Rodriguez

John Crew, ACLU, addressed the Commission and asked them to reject the appropriation and to add more money to the OCC budget to hire more investigators.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF HOUSING CONTRACT WITH SFPD

Commander Holder presented the contract detail to the Commission regarding contract with the Housing Authority. Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Matter approved 4-0.

RESOLUTION N[illegible]

REQUEST FOR APPROVAL OF THE SFPD/HOUSING AUTHORITY SUPPLEMENTAL POLICING AGREEMENT

WHEREAS, for the past four years, the San Francisco Police Department and the San Francisco Housing Authority have had a supplemental policing agreement for housing authority projects; be it therefore

RESOLVED, that the Police Commission approves the current SFPD/SFHA Supplemental Policing Agreement.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

Chief Ribera then commended Commander Holder for his efforts in the community and in the housing areas.

PRESENTATION OF OCC STATISTICAL REPORT FOR NOVEMBER, 1994

John Parker presented the statistics and stated there was a slight rise in cases pending and that he is preparing the annual report for submission to the Commission.

HEARING OF OFFICER EUGENE M. YOSHI, NORTHERN STATION

The hearing of Police Officer Eugene M. Yoshi, Northern Station, was called it having been set for this date. Officer Yoshi was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failing to book property or evidence prior to reporting off duty (violation of Rule A-12 of General Order D-11 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions propounded by a superior officer truthfully (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Eugene M. Yoshi appeared in person and was represented by Officer Ed Garcia.

Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Garcia entered a plea of no contest on all four Specifications and Officer Yoshi personally affirmed entry of a no contest plea in these matters.

The Police Commission unanimously approved and accepted the plea of Officer Yoshi.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The following recommendations were made by the Chief of Police;

SPECIFICATION NOS. 1, 2, 3, AND 4

Termination held in abeyance for three (3) years; Thirty (30) days suspension; Counseling and retraining by Lieutenant Al Benner, Psych Unit; and immediate transfer to the Potrero Station

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 6-95

DECISION - HEARING OF OFFICER EUGENE M. YOSHI, NORTHERN STATION

WHEREAS, on December 15, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Officer Eugene M. Yoshi, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentions, Eugene M. Yoshi, #1728, hereinafter referred to as "the accused", is a San Francisco Police Officer assigned to Northern Station;

(2) On or before August 4, 1993, the accused, during the course of his police duties, took possession of a Sundance Brand .25 caliber pistol (serial number 065929`;

(3) The accused did not book the Sundance Brand .25 pistol into property storage prior to reporting off duty on the date he took possession of same, and maintained the weapon in his personal custody;

(4) On August 24, 1993, the accused completed an incident report concerning the Sundance Brand .25 caliber pistol, and booked the weapon as Found Property;

(5) The accused, by failing to book the Sundance Brand .25 caliber pistol into property storage prior to reporting off of his tour of duty on the day which he first came into possession of the weapon has engaged in conduct which constitutes a violation of Rule A-12 of General Order D-11, of the San Francisco Police Department, which states:

A. Officers performing patrol functions shall:

12. "Make a written report on all crimes observed or brought to their attention which have not already been assigned or reported and shall book all property or evidence in their custody prior to reporting off-duty."

SPECIFICATION NO. 2

(6) Each and every allegation contained in paragraphs (1) through (3), inclusive, of Specification No. 1 1 above are incorporated by this reference and realleged as though set forth in full;

(7) I the incident report which the accused completed relative to his possession and booking of the Sundance Brand .25 caliber pistol on August 24, 1993, he stated as fact that he took possession of the weapon on August 1, 1993, and that he had inadvertently placed said weapon in his equipment bag where it remained until he discovered it on or about August 24, 1993;

(8) In fact, the statements by the accused mentioned in paragraph (7), above, were and are false statements. The true facts are that the accused came into possession of the Sundance Brand .25 caliber on or about August 4, 1993, and that the accused in fact had knowledge that the Sundance Brank .25 caliber pistol was in his possession on one or more occasions between the date he took possession of the weapon, and his filing of an incident report on August 24, 1993;

(9) The accused, by making false statements in a police incident report has engaged in conduct which constitutes a crime as defined by California Penal Code Section 118.1, which states:

118.1 False Report Filed by Peace Officer:

"Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report

punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person."

(10) The accused, by making false statements in a police report has engaged in conduct of a criminal nature as defined by Penal Code Section 118.1, and which constitutes a violation of Rule A-9, of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

(11) Each and every allegation contained in paragraphs (1) through (2) inclusive, of Specification No. 1 above are incorporated by this reference and realleged as though set forth in full;

(12) On August 4, 1993, at approximately 12:00 p.m., the accused telephoned a probationary officer at home and accused the officer of leaving a firearm in the police vehicle;

(13) Thereafter, the accused approached two other officers in Northern Station, one of whom was a probationary officer, and informed them that he had found a firearm in a police vehicle, and asserted that the two officers bore responsibility for the firearm being found in the police vehicle;

(14) The accusations which the accused made and directed towards his fellow officers, as described in paragraphs (12) and (13), above, were false accusations, without any basis in fact;

(15) The accused, by falsely accusing fellow officers of responsibility for leaving a firearm in a police vehicle has engaged in conduct which constitutes a violation of Rule A-9, of General Order D-1, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not specifically defined or laid down in these Rules and

Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 4

(16) Each and every allegation contained in paragraphs (1) through (3), inclusive, of Specification No. 1 above are incorporated by this reference and realleged as though set forth in full;

(17) On or about September 21, 1993, the accused was summoned to the Management Control Division relative to M.C.D. Case No. A061-93/94. After being advised of his procedural rights and the obligation to answer truthfully and without evasion, the accused was interviewed by a superior officer;

(18) During the course of the interview, the accused was questioned as to the date which he first took possession of the Sundance Brand .25 caliber pistol. The accused stated that he took possession of the weapon on August 10, 1993;

(19) The true facts are that the accused first took possession of the Sundance Brand .25 caliber pistol on or prior to August 4, 1993;

(20) Further, during the interview of September 21, 1993, the accused was questioned regarding his telephone call to the Probationary Officer on August 4, 1993. The accused stated that he noticed, but did not examine, what appeared to be a firearm in the rear seat area of a police vehicle, and then immediately telephoned the Probationary Officer to inform her of his discovery. The accused further stated that he returned to the police vehicle and discovered that the object was not a functioning firearm, but was instead a non-functioning "B-B" gun;

(21) The true facts are that the accused was in possession of the Sundance Brand .25 caliber pistol contemporaneously to the time that he telephoned the Probationary Officer, and that in fact, the accused had not discovered any object or B-B gun in a police vehicle;

(22) The accused, by failing to answer truthfully and without evasion when questioned during a Management Control Division interview regarding the date he took possession of the Sundance Brand .25 caliber pistol and his telephone call to a Probationary Officer on August 4, 1993, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1, of the San Francisco Police Department, which states:

A-21. "Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer

for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 11, 1995 and on January 11, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Eugene M. Yoshi's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2, 3 and 4, as preferred by the Chief of Police, are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2, 3 AND 4

Sustain - Termination held in abeyance for three (3) years; Thirty (30) days suspension; Counseling and retraining by Lieutenant Al Benner of the Psych Unit; Immediate transfer to the Potrero Station

FURTHER RESOLVED, that said suspension totaling thirty (30) calendar days is to be imposed commencing Tuesday, January 17, 1995 at 0001 hours and terminating on Wednesday, February 15, 1995 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc/7380M

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 18, 1995

EXECUTIVE SESSION

5:15 p.m.

Attorney-Client Conference
Pending Litigation

a. Hart vs. Police Commission
Superior Court No. 965-565

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
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KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JANUARY 18, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of 1995-96 OCC Budget Outline
9. Discussion and Action re: General Order 5.07, "Rights of Onlookers"
10. Discussion and Action re: Proposed General Order 3.19, "Counseling of Members" (Early Warning System)
11. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
12. Hearing on Charges Filed Against Officer Philip L. Carvalho, Potrero Station (File No. C45-047 BSK)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept a Donation of a Used Ford Econoline Van from the Pacific Gas & Electric Company for Use of the Crime Prevention Company

Minutes

JANUARY 18, 1995 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:25 p.m. to 5:45 p.m., for an Executive Session.

Attorney-Client Conference
a. Hart vs. Police Commission

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PRESENT: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

JANUARY 18, 1995 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Rodriguez
*Commissioner Low arrived late.

Commissioner Hewlett indicated she will be acting president and that Commissioner Low will be late.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Rodriguez, second by Commissioner Friday to disclose discussion of Executive Session. Motion passed 3-0. Commissioner Hewlett then announced that the Commission met in Executive Session and discussed Patrol Special litigation and an order by Judge Pollak in the case of Hart vs. the Police Commission.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Friday. Consent Calendar approved 3-0.

RESOLUTION NO. 17-95

APPROVAL TO ACCEPT DONATION OF A USED FORD ECONOLINE VAN FOR USE OF CRIME PREVENTION COMPANY

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of a used 1991 Ford Econoline Van, License No. 4H47746, approximate value of $2,575.00, from the Pacific Gas & Electric Company, to be used by the Crime Prevention Company.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

POLICE COMMISSION REPORT

No new matters to be calendared. Commissioner Hewlett then indicated that Captain Minasian and Inspector Alex Fagan will be responding to Sacramento in the near future to make a full presentation before the California Criminal Justice Council on the shooting that occurred on Pine and Franklin. Commissioner Hewlett stated that the Criminal Justice Council oversees all justice fundings for the state of California.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera updated the Commission on the rebuilding of the Potrero Station

and that the bidding process is now on the way and hopefully construction will begin before July 1st. He also talked of another facility for the Tenderloin Task Force with the possible relocation at 25th and Taylor Streets. He has scheduled meetings within the next week and will report back to the Commission at the next meeting.

The Chief also discussed the recent National Football Conference game involving the 49ers which was played in Candlestick Park and commended Commander Holder and other officers of his unit for the remarkable job they did in handling of crime control, traffic congestion and general law enforcement in the area.

Commissioner Friday then commended Commander Holder and the officers for their efforts.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

and

PRESENTATION OF 1995-96 OCC BUDGET OUTLINE

John Parker, Acting OCC Director, discussed the proposed OCC budget and the increase.

John Crew, ACLU, requested the Commission reject the budget and stated with more officers being hired regarding full staffing, that the OCC would need for investigators to handle for projected complaints.

*Commissioner Low arrived at 6:10 p.m.

After discussion, motion by Commissioner Rodriguez, second by Commissioner Friday to continue the OCC matter to February 1st so that Commissioner Rodriguez can access input from the Mayor's office regarding increase in staffing.

DISCUSSION AND ACTION RE: GENERAL ORDER 5.07, "RIGHTS OF ONLOOKERS"

John Crew, ACLU, discussed input and stated he has proposed language which will be sent to the OCC.

Deputy Chief Reed met with the DA's office and asked for more time so that he can have more opportunity to meet with parties concerned.

Bruce Kapsack, OCC, expressed concern and suggested a meeting with all parties concerned so that they can have their input to present to the Commission.

Terry Jackson, DA's Office, expressed concerns regarding definition of onlookers and event.

After discussion, the Chief recommended that matter be put over to February 1st so that all parties concerned can meet and express their concerns for future presentation.

DISCUSSION AND ACTION RE: PROPOSED GENERAL ORDER 3.19, "COUNSELING OF MEMBERS" (EARLY WARNING SYSTEM)

Barbara Attard, OCC, discussed the Early Warning System and stated that have been a joint project between OCC and Sergeant Mike Stasko of the Management Control Division. She stated they're looking to various departments including Long Beach, Sacramento, Oakland and the California Peace Officers' Association, feeling that it is important to establish an early warning system and that she will continue to work with Sgt. Stasko and present a draft and asked for three weeks to finalize the draft for general order form.

Sergeant Mike Stasko indicated he has received some feedback from the command staff and has been in touch with John Crew of the ACLU.

Matter continued to February 22nd.

PUBLIC COMMENTS

Barbara Mesmore, taxi driver Yellow Cab, discussed shield issue and thanked the Commission for their efforts. She asked the Commission to postpone shield mandate for six months as she stated it is scheduled to be mandatory and take effect on March 1st.

Chief Ribera then stated he would have Officer Suslow research and report to the Commission on February 1st.

John Crew, ACLU, discussed New Year's Eve 983 Harrison Street saying he sent a letter to Commission dealing with the issue of 647f, drunk and resisting arrest issue.

HEARING ON CHARGES FILED AGAINST OFFICER PHILIP L. CARVALHO, POTRERO STATION

Mr. Bob Mueller for Officer Carvalho. Bruce Kapsack for OCC.
Chief Ribera requested the matter be put over and continued to a future date.

Thereafter, the meeting was adjourned at 6:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

Minutes

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JANUARY 30, 1995 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 1:00 p.m., for a Special Meeting.

Conference with a Legal Counsel
Welsh vs. CCSF

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

Commissioner Low announced that this is a special meeting and discussed communication from Public Access Project regarding problems with notification to the library regarding regular Commission meetings.

He then indicated that the Commission will discuss in Executive Session a decision by Judge Jensen regarding the Welsh v. CCSF Ribera matter.

City Attorneys Buck Dalventhal and Linda Ross addressed the Commission regarding the Sunshine Ordinance and response to correspondence from Public Access Project, Timothy Gillespi.

PUBLIC COMMENTS

Timothy Gillespi, Public Access Project, discussed with the Commission problems of possible problems with the Sunshine Ordinance regarding lack of posting of agendas for Commission meetings at the Publice Library.

After comments by Mr. Gillespi, the Commission met in Executive Session at 1:25 p.m. and at 2:10 p.m., met in open session. Motion by Commissioner Hewlett, second by Commissioner Rodriguez that the Commission disclosed what they discussed in Executive Session.

Commissioner Low then made the following statement:

The San Francisco Police Commission voted unanimously today not to appeal the federal court order concerning the Commission's investigation into allegations of misconduct by Chief Anthony Ribera. Judge Jensen's order requires the City to turn over to the lawyers for Joanne Welsh the transcripts of the investigation without a protective order. A copy of the transcripts will also be provided to Chief Ribera and his attorney. This will be done by 5:00 p.m. tomorrow.

In making our decision, we believe Judge Jensen's ruling resolved our concerns about how to balance (1) the privacy rights of individual witnesses and police officer; (2) the parties' rights to a fair trial, and (3) the right of the public to know.

The Commission was concerned with the state law, particularly the Police Officers' Bill of Rights and the constitutional protections of privacy of officers and witnesses. The Commission needed a court order release any transcripts.

We have always understood and accepted that the records of the investigation could be disclosed. The question was when and how. Now the federal court has answered those questions. Any further release of transcripts or documents will be up to the parties.

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

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Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 1, 1995

EXECUTIVE SESSION

5:00 p.m.

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Attorney-Client Conference
Pending Litigation

a. Wheeler vs. Police Commission

b. Sullivan, et al. v. City & County of San Francisco
U.S. District Court No. C 94-2370-CAL

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNE AY. FE RUARY 1, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. Discussion and Action re: Proposed Fiscal Year 1995-96 Police Department Budget
8. OCC Director's Report to the Police Commission
9. Discussion and Action re: Proposed Fiscal Year 1995-96 OCC Budget
10. Presentation of 1994 OCC Annual Report
11. Discussion and Action re: General Order 5.07, "Rights of Onlookers"
12. Discussion and Action re: Proposed Rules for Implementing Section 5 of Charter Appendix F (Proposition K)
13. Discussion and Action re: Amending Patrol Special Rules; Rule 1.20 and Repeal of Section 1.23
14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

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WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
FEBRUARY 1, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept a Donation of Surplus Wang Equipment from the District Attorney Family Support Bureau

2. Request of the Chief of Police for Approval of Taxicab Owner Permits for the following individuals:

Alan Morisson	Douglas O'Neil
Eric Rankin	Kathleen Reynolds
Mark Stella	

3. Recommendation of the City Attorney for Settlement of the following claim:

Sullivan, et al. v. CCSF $290,000.00

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

Minutes

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FEBRUARY 1, 1995 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:20 p.m. to 5:40 p.m., in an Executive Session.

Attorney-Client Conference

a. Wheeler vs. Police Commission
b. Sullivan, et al, v. CCSF

Commissioner Low announced the Commission will meet in Executive Session on matters in closed session and for any public comments, the Commission then discussed concerns regarding the Brown Act and the Sunshine Ordinance.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 4-0.

Commissioner Low announced that the Commission met in Executive Session; Sullivan et al vs. CCSF and Wheeler vs. Police Commission. City Attorney answered questions of the Commissioners.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Consent Calendar approved items #1 and #2. Item #3 calendared in error, no action taken.

RESOLUTION NO. 18-95

APPROVAL TO ACCEPT A DONATION OF SURPLUS WANG EQUIPMENT FROM THE DISTRICT ATTORNEY FAMILY SUPPORT BUREAU

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of surplus Wang equipment from the District Attorney Family Support Bureau.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 19-95

TAXICAB OWNERS PERMIT FOR ALAN MORISSON

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Alan Morrison, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under

criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Alan Morisson.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 20-95

TAXICAB OWNERS PERMIT FOR ERIC RANKIN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Erin Rankin, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Erin Rankin.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 20-95

TAXICAB OWNERS PERMIT FOR ERIC RANKIN

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Eric Rankin, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Eric Rankin.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 21-95

TAXICAB OWNERS PERMIT FOR MARK STELLA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Mark Stella based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Mark Stella.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 22-95

TAXICAB OWNERS PERMIT FOR DOUGLAS O'NEIL

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Douglas O'Neil based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Douglas O'Neil.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 23-95

TAXICAB OWNERS PERMIT FOR KATHLEEN REYNOLDS

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1995, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach

the total number of 861; therefore be it

RESOLVED, that Kathleen Reynolds based on her application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Kathleen Reynolds.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced no meeting February 8th. Next meeting will be February 15th in the Northern District at Northern Station.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed year-end statistics and stated all stations have had a decrease in crime.

Commissioner Hewlett commended the Captains of the district stations on their methods and efforts in reducing the crime rate.

DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1995-96 POLICE DEPARTMENT BUDGET

Lieutenant Larry Ryan, Fiscal, presented the proposed budget which included a 120 new officers and 27 civilian positions and after discussion, motion by Commissioner Rodriguez, second by Commissioner Hewlett. Matter approved 4-0.

RESOLUTION NO. 25-95

PROPOSED FISCAL YEAR 1995-96 SAN FRANCISCO POLICE DEPARTMENT BUDGET

RESOLVED, that the Police Commission hereby concurs with the Police Department budget submission.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No OCC director's report. John Parker defers to item No. 9 to proposed OCC budget.

DISCUSSION AND ACTION RE: PROPOSED FISCAL YEAR 1995-96 OCC BUDGET

John Parker, Acting Director OCC, presented the proposed OCC budget which included three new positions to be added to the OCC staff.

John Crew, ACLU, thanked the Commission and the Chief for supporting the addition of the OCC and asked the Commission to recommend the Mayor to add the position.

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. OCC Budget approved 4-0.

RESOLUTION NO. 26-95

PROPOSED FISCAL YEAR 1995-96 OCC BUDGET

RESOLVED, that the Police Commission hereby concurs with the proposed Fiscal Year 1995-96 OCC budget.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PRESENTATION OF 1994 OCC ANNUAL REPORT

John Parker presented the OCC Annual Report.

John Crew, ACLU, discussed items in the report including rise in complaints in the Southern Station increasing from 60 to 111 in two years. He also discussed sustained cases received and policy recommendations on procedures. He asked that the Commission calendar OCC policy reasons within the next month.

Chief Ribera then stated Commander Martel will ask for a report from the captains regarding the increase in complaints at Southern, Mission and Potrero Stations.

DISCUSSION AND ACTION RE: GENERAL ORDER 5.07, "RIGHTS OF ONLOOKERS"

Linda Ross, City Attorney, discussed proposed general order 5.07, Rights of Onlookers, and stated more time is needed and matter was put over to February 22nd.

DISCUSSION AND ACTION RE: PROPOSED RULES FOR IMPLEMENTING SECTION 5 OF CHARTER APPENDIX F (PROPOSITION K)

Commissioner Low asked Officer Suslow to look into setting up computerized tracking of transfer of taxi permits.

RESOLUTION NO. 27-95

APPROVAL OF PROPOSED RULES FOR IMPLEMENTING SECTION 5 OF CHARTER OF APPENDIX F (PROPOSITION K)

RESOLVED, that the Police Commission hereby approves the proposed rules for implementing Section 5 of Charter Appendix F (Proposition K).

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS re: Proposition K

Maggie Olesen discussed comments in newspaper to attributed to Commissioner Low. She discussed her recent arrest and the actions of the sergeant who arrested her and her filing of a complaint with OCC.

Mr. Greg Gilchrist, attorney, discussed concerns regarding transfer and rules regarding transfer under Prop. K.

Wayne Cantenbury, attorney Veterans Cab, discussed the proposed rules and stated he's for approval of the rules.

Yosadek Desta discussed concerns regarding transfers.

Jotek Kotjela discussed permit holders as of 1978.

Norman Lew discussed transfer of permits to family and asked for clarification.

Phil Ward, attorney for Yellow Cab, discussed concerns regarding proposition rules.

Mark Reuben, taxi driver, discussed concerns.

After discussion, motion by Commissioner Rodriguez, second by Commissioner Hewlett. Proposed rules for implementing Prop. K were approved 4-0.

DISCUSSION AND ACTION RE: AMENDING PATROL SPECIAL RULES; RULE 1.20 AND REPEAL OF SECTION 1.23

Sergeant Griffin discussed amending Rule 1.20 pursuant to recent judge's decision. Motion by Commissioner Hewlett, second by Commissioner Rodriguez, 1.20 amended; 1.23 repealed.

Sergeant Griffin then indicated 1.20 would be 3.15 and 1.23 would be 3.15c.

RESOLUTION NO. 28-95

APPROVAL TO AMEND PATROL SPECIAL RULES; RULE 1.20 AND REPEAL OF SECTION 1.23

RESOLVED, that the Police Commission hereby approves amendment to Patrol Special Rules; Rule 1.20 and repeal of Section 1.23.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Barbara Mesma, Yellow Cab driver, discussed shields. Commissioner Low informed her that she should take her concerns to the legislative body, Board of Supervisors, regarding issues and concerns she has.

Officer Suslow then advised the Commission regarding March 1st deadline on installation of shields.

John Crew, ACLU, discussed incident at 938 Harrison with new information. He stated that film that was in the cameral that was seized New Year's Eve at that location is now missing and he wanted to know why the event was treated differently than others. He stated that in 18 other similar situations, the persons involved were cited or admonished rather than arrested. He also addressed the issue of seizing for equipment than in other events and asked the department to explain the difference.

Commissioner Hewlett then asked the OCC to look into the other 18 reports and the conduct of the officers.

Virginia Conway discussed patrolling the area of her residence and requested more officers patrol the area.

Thereafter, the meeting was adjourned at 7:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on Wednesday, February 8, 1995. The next Regular Meeting will be on Wednesday, February 15, 1995 at the Northern District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 15, 1995

CLOSED SESSION

5:45 p.m.

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NORTHERN POLICE STATION
1125 FILLMORE STREET AT TURK STREET

Attorney-Client Conference
Pending Litigation

a. Khoury et al. v. Abagnaro, et al, and related cross-claims, San Bernardino County Superior Court, No. SCV 04291

POLICE COMMISSION MEETING

Wednesday, February 15, 1995 6 PM

NORTHERN POLICE STATION
1125 Fillmore Street at Turk Street

Public welcome, come and meet *your*
Police Commissioners!

Hosted by Captain Richard Cairns

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 15, 1995

REGULAR MEETING

NORTHERN POLICE STATION
1125 FILLMORE STREET AT TURK STREET
6:00 p.m.

1. Pledge of Alleginee
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Minutes of Meetings of December 12, 1994 and January 11, 1995
5. Approval of Consent Calendar
6. Police Commission Report
   a. Motion on Calendaring New Matters
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Request of the Chief of Police for Approval of the Awards Committee Recommendation
10. Captain Richard Cairns, Commanding Officer Northern Station, to Address the Commission on Police Activities in the Northern District
11. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 15, 1995

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement the following claim:

   a. Khoury et al. v. Abagnaro, et al and related cross-claims $225,000.00

FEBRUARY 15, 1995 REGULAR MEETING

The Police Commission of the City and County of San Francisco met at the Northern District in the Northern Police Station, 1125 Fillmore Street at Turk Street, for a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett
ABSENT: Commissioner Rodriguez
LATE: Commissioner Low

Commissioner Hewlett explained that Commissioner Low would be late due to a prior commitment and then Executive Session would take place later in the calendar. She explained that due to only two commissioners that the calendar would be called out of order and then called item six, Police Commission Report.

POLICE COMMISSION REPORT

Commissioner Hewlett stated the next meeting would be February 22nd and that there will be no meeting March 1st.

Commissioner Hewlett then commended the department's Captain Minasian and Inspector Fagan of Homicide Detail for a presentation January 24, 1995 to the Criminal Justice Council regarding shooting at Pine and Franklin Street and indicated that it was a very comprehensive report and that on behalf of the Criminal Justicde Council thanked the officers for such an indepth report.

Commissioner Hewlett then asked Chief Ribera to give the Commission an overview of the critical incidents at Pine and Franklin and B of A at a future meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera greeted the audience and introduced the command staff; Deputy Chiefs Reed, Petrini, Philpott and Lau and Commanders Holder and Martel. He indicated that on Friday, February 10th, he made 41 appointments to the rank of sergeants in accordance with the Consent Decree. He stated he also had officers to replenish patrol and investigations.

The Chief also report on the Chinese New Year's Parage the previous weekend in which approximately six hundred thousand spectators watched the parage and only two arrests were made.

The Chief also indicated that crime was down 12% overall. Auto boosting were up and he advised the Commission he will be out of town the week of February 22nd and Deputy Chief Reed will be the Acting Chief.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker described the duties and responsibilities of the OCC.

CAPTAIN RICHARD CAIRNS, COMMANDING OFFICER NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Cairns, Commanding Officer Northern Station, welcomed the audience, described the district, the events the station handles; described the FRET Program and the CPOP Program. He then briefed the audience regarding personnel assigned to the district and stated that crime in the Northern District was down 6.5%.

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Commissioner Friday commended Captain Cairns for his leadership abilities

and his leadership of the members of Northern Station.

PUBLIC COMMENTS

Marv Warren, Polk Street merchant, commends Captain Cairns and the officers for keeping crime down in the Polk Street area. He asked for more emphasis on street crimes.

Patricia Walkup, resident Hayes Valley, discussed prostitution in the area and commended Lt. Keith Sanford and stated due to his efforts crime has improved in the area. She also commended Lt. Novello and Lt. O'Leary and asked more officers to be assigned to Northern

Ray Nayer, resident Hayes and Laguna, discussed prostitution in the area.

Michael O'Neal, resident, described crime in the area including prostitution, drug dealing and stated he is willing to cooperated with the police to abate the problems. He also addressed the subject of arresting "Johns" and towing of the vehicles when arrested.

William Landers, resident Friendship Village, discussed drugs in the location of Fillmore/McAllister and problems arising from users loitering in the area and stated more police visibility is need and asked Chief Ribera for help.

Karen Teshero, Polk Street merchant, thanked Commander Martel and Captain Cairns for bike patrol in the area.

Ruth Sutter, resident 201 Laguna, discussed being the victim of an auto theft burglary and supports police and asked that the area be assigned as a high priority due to crime.

Shayne, Rose Street resident, discussed crime in the area of Laguna Street and the need for more help in addressing the prostitution problem in the area.

Joaquin, security guard Friendship Village, discussed problems with crime in the area and is willing to work with police to assist in anyway he can.

Deputy Chief Philpott then addressed the audience regarding the department's present effort against prostitution and the department's plan against the problem.

Frank Donato, resident Hayes/Webster, thanked Captain Cairns for his efforts and discussed crime and drug in the city. She asked that more officers assist in liquor sales to minors and discussed coordination with ABC regarding liquor violations in minors and she also stated police presence will reduce crime and requested for more officers in the area.

Dennis Scottbrush commended Captain Cairns and members of Northern.

Barbara Langer, Hayes Valley, discussed crime in the area including the parks.

Michael Williams, Editor Western Edition Paper, discussed looking at report and possibility of reviewing for publishing of persons arrested for public information.

Jean Rusk, resident Steiner Street, discussed a problem in crime emanating from a bar located 668 Haight Street.

Rick Manning, resident Haight Street, discussed crime in the area.

Marianne Brown, resident 800 block of Fulton, discussed drugs in the area and gang activity.

Robin Lovett, 200 block resident Page Street, discussed drugs and crime in the area and suggested various barriers for autos and auto diversions to keep them away.

David Cooper, discussed returning a purse that he had found and discussed problems after talking to police of being harassed and talked of crime in the area of his residence.

Andrea Tishler, resident Rose Street, requested for more foot and bike patrol in the area.

Nelson Roland, Board member of Friendship Village, discussed people trespassing on the premises and asked what can be done.

Ron Davis, resident Lilly Street, discussed drugs next to his residence and crime problem on Buchanan and Page.

Jackie Sox discussed problems with bicycles on sidewalk and skateboards and defiance of signs prohibiting same.

Commissioner Low arrived 7:45 p.m.

Commissioner Hewlett addressed the audience and stated she is encouraged by the comments and that the police will work to assist in their problems

Commissioner Low apologized for being late and addressed the audience regarding Commission support for the fight against crime and asked for community input in any problems.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION

Motion by Commissioner Hewlett, second by Commissioner Friday. Matter approved 3-0.

RESOLUTION NO. 29-95

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1 of the San Francisco Police Department, as approved by the Awards Committee on Thursday, January 26, 1995; and

WHEREAS, Chief of Police Anthony Ribera has recommended to the Police Commission that said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant John Haggett, Officer Joseph Buono and Officer Oscar Carcelen, be, and are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Steve Ford, Officer Damon Williams, Officer Kirk Tomioka, Officer Peter Walsh, Officer John Mulkern, Officer Barbara Pinelli, Officer John Robertson, Officer Kenny Park, Officer Severo Flores, Officer Patrick Tobin, Sergeant George Pohley, Officer Raymond Lee, Officer Angel Lozano, Sergeant Kenwade Lee, Officer Donald Sloan, Officer David Smith, Officer Frank Harrell, Officer Carlos Garate, Officer Sharon Ferrigno, Officer Roland Dear, Officer Mitchell Lang, Sergeant Daniel Curiel, Officer Randy Flannery, Officer Alec Cardenas, Officer Nathan Holmes, Officer Michael Robinson, Lieutenant Gerald McCarthy, Sergeant Richard Wallet, Sergeant Daniel Greely, Sergeant Ronald Parenti, Sergeant Marsha Ashe, Officer Sylvia Morrow, Officer James Guelff, Officer Julian Hill, Officer Victor Arrebollo, be, and are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

The Commission then broke and met in Closed Session from 8:06 p.m. to 8:25 p.m.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

The Commission voted to disclose executive session. Commissioner Low stated that they discussed proposed settlement on the Closed Session Calendar with city attorney.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 24-95

KHOURY et al. v. ABAGNARO, et al and RELATED CROSS-CLAIMS

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Khoury et al. v. Abagnaro, et al and related cross-claims" in San Bernardino County Superior Court, No. SCV 04291in the amount of $225,000.00 for damages sustained, be, and the same is hereby approved.

Dates of Incident: July 3, 1992
August 17 & 19, 1992
May 10, 1993
September 15 & 29, 1993

AYES: Commissioners Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

APPROVAL OF MINUTES OF MEETINGS OF DECEMBER 12, 1994 AND JANUARY 11, 1995

Approval of minutes of the meetings of December 12, 1994 and January 11, 1995, the Commissioners having received, approved and returned the copies of same.

Thereafter, meeting was adjourned at 8:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

CLOTHILDE V. HEWLETT
Vice President

[redacted]
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 22, 1995

REGULAR MEETING

ROOM 551
5:30 P.M.

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1. Pledge of Allegince
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion on Calendaring New Matters
5. Assignment of Commissioner and Setting of Date on Additional Charges Filed Against Officer William T. Taylor, Support Services Division (File No. RLC C45-275)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of OCC Statistical Report, January 1995
9. Discussion and Action re: General Order 5.07, "Rights of Onlookers"
10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

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[redacted]
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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, FEBRUARY 22, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of Office Furniture from Mr. Richard May, President of Regis Research Institute, for Use of the Crime Prevention Company

FEBRUARY 22, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Consent Calendar approved 4-0.

RESOLUTION NO. 31-95

APPROVAL TO ACCEPT DONATION OF OFFICE FURNITURE FROM MR. RICHARD MAY, PRESIDENT OF REGIS RESEARCH INSTITUTE, FOR USE OF THE CRIME PREVENTION COMPANY

RESOLVED, that the Police Commission hereby approve the request of the Chief of Police to accept donation of office furniture from Mr. Richard May, President of Regis Research Institute, for use of the Crime Prevention Company.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the Critical Incident Review Board's Report be calendared for March 8th.

RESOLUTION NO. 30-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER WILLIAM T. TAYLOR, SUPPORT SERVICES DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor, Support Services Division, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Taylor; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer William T. Taylor and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera out of town. Deputy Chief Reed presented Certificates of Appreciation to Officer Jennifer Forrester of the Police Department, Major Masaline and Sergeant Dela Cruz of the United States Marines for their efforts in the Toys for Tots Program during Christmas time.

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OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker, OCC, defers report to the Statistical Report.

PRESENTATION OF OCC STATISTICAL REPORT, JANUARY 1995

John Parker, Acting Director OCC, then presented the January, 1995, Statistical Report from the OCC.

DISCUSSION AND ACTION RE: GENERAL ORDER 5.07, "RIGHTS OF ONLOOKERS"

Linda Ross, City Attorney's Office, discussed the overview process and that the City Attorney met with OCC for preparation of the draft of General Order 5.07. She then briefed the Commission and gave them an overview of the draft. She further discussed the officers' responsibilities regarding evidence turned over to the police, and discussed the matter of obtaining a search warrant. She discussed issuance of a receipt if property is received from a citizen.

Bruce Kapsack, OCC, indicated that the Office of Citizen Complaints is opposed to Section D-2 of the General Order, but that they agree on Section D-1.

John Crew, ACLU, thanked all who participated for their efforts in putting together the General Order, discussed exigent circumstances, and also issuance of a receipt if property is received from citizens. He further stressed the language in his letter dated February 22nd, and suggested language regarding procedure for issuing a receipt and the contents of the receipt.

John Parker, Acting Director OCC, also joined in discussion regarding issuance of a receipt and voluntary release of property.

Motion was then made by Commissioner Hewlett, second by Commissioner Friday to approve General Order with exception of Section D-2. Approved 4-0.

PUBLIC COMMENTS re: General Order 5.07:

Maggie Olesen expressed concerns regarding the letter from John Crew.

A motion was then made by Commissioner Rodriguez , second by Commissioner Low, to approve Section D-2 as presented in the General Order. Vote of 2-2. Motion was not approved.

A motion was then made to approve Section D-1 as amended, including Section D-1A and D-1B as suggested in John Crew's letter dated February 22, 1995. Approved 4-0.

PUBLIC COMMENTS

No public comments.

Thereafter, the meeting was adjourned at 6:30 p.m.

Lieutenant Manuel Barretta for
Secretary
THE POLICE COMMISSION

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The Police Commission

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

CANCELLATION

There will be no Police Commission Regular Meeting on Wednesday, March 1, 1995. The next Police Commission Meeting will be on Wednesday, March 8, 1995 at 5:30 p.m., in the Hall of Justice, Room 551.

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CANCELLATION

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 8, 1995

EXECUTIVE SESSION

5:30 p.m.
Room 505-2

Attorney-Client Conference
Pending Litigation

a. Geico Insurance Company v. CCSF
Claim No. 93-02836

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 8, 1995

REGULAR MEETING

ROOM 551
5:30 P.M.

1. Pledge of Allegince
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Minutes of Meetings of January 18, 1995 and February 1, 1995
5. Approval of Consent Calendar
6. Police Commission Report
   a. Motion on Calendaring New Matters
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of the Critical Incident Review Committee Report
10. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

11. Hearing on Charges Filed Against Sergeant Andrew Blackwell, Tenderloin Task Force (File No. C45-075 JWA)

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all the Commissioners had read the recommendations of the City Attorney regarding the

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 8, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation of a 1984 Honda Accord, from Ms. Margaret Lynn Wurts, for use of the Auto Detail

2. Recommendation of the City Attorney for Settlement of the following claim:

   a. Geico Insurance Company v. CCSF $13,000.00

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MARCH 8, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

Commissioner Low announced that they did not meet in Executive Session that all the Commissioners had read the recommendations of the City Attorney regarding the matter of Geico Insurance Company v. CCSF. Motion by Commissioner Hewlett, second by Commissioner Rodriguez.

APPROVAL OF MINUTES OF MEETINGS OF JANUARY 18, 1995 AND FEBRUARY 1, 1995

Approval of minutes of the meetings of January 18, 1995 and February 1, 1995, the Commissioners having received, approved and returned the copies of same.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Matter approved 4-0.

RESOLUTION NO. 32-95

APPROVAL TO ACCEPT DONATION OF A 1984 HONDA ACCORD, FROM MS. MARGARET LYNN WURTS, FOR USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a 1984 Honda Accord, from Ms. Margaret Lynn Wurts, for use of the Auto Detail.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 33-95

GEICO INSURANCE COMPANY v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Geico Insurance Company v. CCSF" in Claim No. 93-02836 in the amount of $13,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 7, 1994

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett stated she had met with the Commission of the Status of Women on better ways to handle domestic violence cases and stated she is working with the department personnel also and the Commission of the Status of Women and will have a proposal ready for presentation to the Commission some time in June or July.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera out of town. Deputy Chief Reed acting Chief in his place presented Certificates of Appreciation to Jill Nightingale, Anthony Bartes and Shida Hersini for their actions in capturing a robbery suspect.

Deputy Chief Reed then made a presentation to Linda Ross, City Attorney's

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Office, in appreciation for all her work with the department.

Commander Martel then briefed the Commission regarding concerns on the increase of OCC complaints from the 1994 Annual Report. He then discussed the plan for follow-up and discussed the statistical breakdown of his report.

HEARING ON CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, TENDERLOIN TASK FORCE

Taken out of order and put over to the March 15th regular calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION\

Bruce Kapsack discussed proposed mediation process and stated that he had discussed with the Police Officers' Association and Bob Mueller, attorney for POA, regarding their concerns of the mediation proposal. He indicated that he had drafted up proposed rules for the mediation process. They are being formulated and will be completed in about a week and will be forwarded to the POA for their review and input with the hope that the proposed rules can be presented to the Commission in the early part of April.

John Parker then indicated that he would be off on a vacation for the next week and that Barbara Attard would be the acting director in charge of the OCC.

PRESENTATION OF THE CRITICAL INCIDENT REVIEW COMMITTEE'S REPORT

The Chief requested the matter be put over to April 5th.

PUBLIC COMMENTS

Maggie Olesen discussed demonstration at San Francisco General Hospital and the police presence at that demonstration.

Terry Goodson, member Coyote, discussed her opposition to confiscation of cars of "Johns" arrested in prostitution cases.

Thereafter, the meeting was adjourned at 6:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 15, 1995

REGULAR MEETING

ROOM 551
5:30 P.M.

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1. Pledge of Allegiance

2. Roll Call

3. Approval of Consent Calendar

4. Police Commission Report
   a. Motion on Calendaring New Matters

5. Chief's Report to the Police Commission

6. OCC Director's Report to the Police Commission

7. Presentation of OCC Statistical Report, February, 1995

8. Discussion and Action re: General Order 3.19, "Counseling of Members/Early Warning System"

9. Public Comments

   (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

10. Hearing on Charges Filed Against Sergeant Andrew Blackwell, Tenderloin Task Force (File No. C45-075 JWA)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 15, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following:

   Adelheid Mueller
   John Owles
   Richard Powell

MARCH 15, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO 35-95

TAXICAB OWNERS PERMIT FOR JOHN OWLES

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that John Owles, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John Owles.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO 34-95

TAXICAB OWNERS PERMIT FOR ADELHEID MUELLER

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Adelheid Mueller, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Adelheid Mueller.

RESOLUTION NO 36-95

TAXICAB OWNERS PERMIT FOR RICHARD POWELL

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WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Richard Powell, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Richard Powell.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low advised the audience that there will be no Police Commission Meeting on March 22, 1995 and the next meeting will be March 29th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera advised the Commission that he will be out of town March 16th, March 28th and March 29th. Deputy Chief Reed will be acting Chief. He also advised the Commission regarding the shooting at Pine and Franklin on November 13th and the subsequent investigations surrounding the alleged assault on Mr. James Pickney. The Chief indicated that Mr. Pickney was shot by the gunman during the fatal wounding of Officer James Guelff on November 13th and that the investigation has been completed. The Chief has released the following press release:

> Chief Anthony Ribera announced today that the investigation surrounding the alleged police assault on James Pickney, who was shot by the gunman during the fatal wounding of Officer James Guelff on November 13, has been completed.
>
> The Management Control Investigation was launched by Chief Ribera after news reports alleged that police has roughed-up Mr. Pickney after they believed him to be the second gunman.
>
> Investigators learned that Pickney was positioned only 4 to 5 feet away from the gunman, Vic Lee Boutwell, who fired over 400 shorts at officers. Pickney's physical description, his close proximity to weapons which were lying on the street, and the 911 calls which were received, gave officers reasonable suspicion to believe he was involved in the incident.
>
> After Boutwell was fatally wounded, officers effected the detention of Mr. Pickney in the most expedient manner as possible. Pickney was less than cooperative with officers' commands and an appropriate amount of force was used to handcuff him. During the handcuffing, Pickney's head made contact with the pavement which was covered with broken glass. This contact resulted in glass fragments being imbedded in his forehead.
>
> It was not until four hours later that police determined that Pickney was not involved in the incident. When interviewed by internal investigators, Pickney said, "He understood where the officers were coming from and did not wish to file a formal complaint."

The investigation shows that given the extremely stressful situation, the officers acted appropriately.

The Chief also advised the Commission that he has ordered a Management Control investigation into the New Year's Eve incident at 938 Harrison Street. He indicated that Management Control Division has interviewed over a hundred officers and the Office of Citizen Complaints had interviewed citizens and he is awaiting the results of the OCC investigation. He also indicated the department's Management Control will work with the OCC in this investigation. He indicated that it would be inappropriate at this time to act on specific accusations of police misconduct until the results of the OCC investigation are reviewed. The Management Control's findings and interviews have been made available to the OCC.

Deputy Chief Petrini then gave a summary to the Commission regarding the events that occurred on New Year's Eve at 938 Harrison. He then specified three areas policy relating to outside agencies in multi agencies; (2) the issues of enforcement actions and (3) the issue of specific misconduct on the part of the individuals. He will be issuing a bureau general order to cover those aspects of working with outside agencies, and that the what thepolicy will be when the assistance of the Police Department is requested by an outside agency for pre-planned investigations or operations. The request for assistance will be made to the Deputy Chief by the Commanding Officer of the unit that is being contacted. In addition, when a unit requests assistance of the outside agency, the unit's commanding officer will request permission from the unit's deputy chief. Additionally, all preplanned investigations or operations shall be the subject of a briefing or a meeting between the police department and the outside agency to discuss issues unique to the law enforcement in San Francisco. Deputy Chief Petrini further indicated that review in on-going, and he will discuss ways to improve enforcement action of this nature in the future.

Commissioner Hewlett then expressed concerns regarding working with outside agencies and assuring that they comply with out general orders.

Deputy Chief Petrini indicates these concerns would be addressed in the proposed preplaned meetings.

Chief Ribera indicated that this department will be the lead agency .

Barbara Attard, OCC, indicated investigation is on-going and that they're working with the Management Control on the investigation She stated they have interviewed citizens and are about to begin interviewing officers.

John Crew, ACLU, expressed his concerns that the matter was not calendared and that members of the community were not aware so that they could respond for input. He then addressed his concerns regarding the ABC Department's lack of cooperation in the investigation.

Chief Ribera then addressed the Commission and stated that he has been in contact with their director and they were in total cooperation with our department regarding the investigation. He further stated that transcripts of interviews with ABC personnel will be reviewed by the OCC.

Barbara Attard, OCC, then indicated that the OCC does not need to further interview ABC investigators further.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Barbara Attard, Acting Director OCC, addressed the Commission regarding the upcoming move to a new location of the Office of Citizen Complaints. She stated that preparation for the move and it appears that the move may take place the week of April 8th or the 15th.

PRESENTATION OF OCC STATISTICAL REPORT, FEBRUARY, 1995

Barbara Attard, Acting Director OCC, indicated that the statistics for the month of February , need no further discussion. They have been presented for review by the Commission.

DISCUSSION AND ACTION RE; GENERAL ORDER 3.19, "COUNSELING OF MEMBERS/EARLY WARNING SYSTEM"

Commissioner Hewlett asked that the Commission take public comments tonight on the matter of counseling and the early warning system, proposed General Order 3.19, and that the proposed action be put over until March 29th.

Lieutenant Davenport of Management Control indicated that he has a meeting scheduled with Barbara Attard from OCC to meet with members of the POA on March 16th regarding their concerns and that the matter will be ready for action on March 29th.

John Crew, ACLU, then requested that the Commission act tonight and that the matter not be put over, that the POA's concerns should have been addressed prior to this evening.

Commissioner Low then addressed him that the POA is entitled to comment on the matter and therefore the matter will be calendared for March 29th.

PUBLIC COMMENTS

Larry Shockey, Local 790 representative, inquired of the Commission regarding the status for the new OCC director. He was advised of the procedures on whats been doneand that the process is going well, the review of resumes is almost completed, and that the committee will probably begin their interviews sometime in the middle to later part of April.

HEARING ON CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, TENDERLOIN TASK FORCE

The hearing of the disciplinary charges filed against Sergeant Andrew Blackwell, Tenderloin Task Force, was called it having been continued from the meeting of March 8, 1995. Sergeant Andrew Blackwell was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Falsely reporting himself sick or injured occurring in the line of duty (violating of Rule B-3 of General Order D-1 and Rule IX-D of General Order D-8 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a Management Control Division investigator (violating of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony Ribera, Chief of Police of the San Francisco Police Department.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Andrew Blackwell appeared in person and was represented by Mr. Robert Mueller, Attorney at Law.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification Nos. 1 and 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1 AND NO. 2

Termination held in abeyance for three (3) years; thirty (30) day suspension; Name stricken from Lieutenant's List and seek Human Resources help from Lieutenant Al Benner.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 37-95

DECISION - HEARING ON CHARGES FILED AGAINST SERGEANT ANDREW BLACKWELL, TENDERLOIN TASK FORCE

WHEREAS, on November 15, 1994, Anthony Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Andrew Blackwell, and

WHEREAS, the Commission, having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Andrew Blackwell, Star Number 300, (hereinafter referred to as "the accused") was a Q-50 Sergeant of Police, employed by the San Francisco Police Department assigned to the Tenderloin Task Force, Field Operations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On August 23, 1994, the accused was scheduled to work at the Tenderloin Task Force from 0600 hours through 1600 hours;

(4) On August 23, 1994, at or about 0600 hours, both before and after the line up in the Tenderloin Task Force offices, the accused rubbed his chest and stated that he had been injured playing basketball a day or two before and was in pain from the injury;

(5) On August 23, 1994, after line up was completed, the accused left the offices of the Tenderloin Task Force to commence patrol duties; later, during the morning the accused continued to complain of pain to his ribs and finally requested permission to go home on sick leave because of his pain; the accused informed the Platoon Commander that it was causing him considerable pain to enter and exit the wagon because of the injury to his chest;

(6) On August 23, 1994, at 1400 hours, the accused called the offices of the Tenderloin Task Force from his home, and informed the Platoon Commander that he was going to respond to the Franciscan Treatment

Room because of the injury to his chest; the accused then told the Platoon Commander that he had injured his chest by getting into the patrol wagon;

(7) On August 23, 1994, the accused went to the Franciscan Treatment Room, at the Franciscan Hospital, 909 Hyde Street, San Francisco; he was examined by the on duty physician; the accused told the physician that, although he had been previously injured in a basketball game, the injury had "gone away" and that he had been symptom free on the morning of August 23, 1994, and that he had injured himself when he was getting out of the patrol wagon on the morning of August 23, 1994;

(8) The accused by falsely reporting to an examining physician that he was symptom free from a non-duty injury when he reported for work and that he had injured himself while working in the patrol wagon on duty in order to be placed on disability leave, violated Rule B-3 of General Order D-1, which states:

"Members shall not falsely report themselves sick or injured."

(9) The accused's conduct in this regard also violated Rule IX-C of General Order D-8 of the San Francisco Police Department which states:

"A member shall not be absent from duty on account of sickness or disability which is simulated. The member shall not attempt to mislead or deceive the treating physician, the Police Physician, the commanding officer or any superior officer assigned to investigate the circumstances of the injury or illness."

SPECIFICATION NO. 2:

(10) Each and every allegation contained in paragraphs (1) through (9) of Specification No. 1 above, is realleged as though set forth in full;

(11) On September 13, 1994, the accused was interviewed concerning this matter by one of the Management Control Division Investigators;

(12) During the interview, the accused was evasive and reversed himself on several issues, particularly the extent of his injuries at the times described above;

(13) The accused denied that he was injured when he reported for duty on August 23, 1994, but other officers present when he reported for duty stated that he informed them that he had been injured playing basketball two days before;

(14) The accused, by making false statements and evasive statements to the Management Control Division investigator interviewing him regarding the above described activities, engaged in conduct which violates Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, January 19, 1995, and on Wednesday, March 15, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1 and 2 as preferred by the Chief of Police against Sergeant Andrew Blackwell to be true and are sustained; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good order and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed;

SPECIFICATION NOS. 1 AND 2

Sustained - Termination held in abeyance for three (3) years on the following terms:

SPECIFICATION NO. 1:

Thirty (30) day suspension.

SPECIFICATION NO. 2:

Thirty (30) day suspension, said suspension to run concurrent with the penalty for Specification No. 1.

That Sergeant Blackwell seek help from the Human Resources Unit, Lt. Al Benner, and enter into an agreement with Lt. Benner. Failure to comply with the guidelines agreed to with Lt. Benner will be grounds for revocation.

That Sergeant Blackwell's name be removed from the current eligibility list for promotion to the rank of Q-60, Lieutenant.

FURTHER RESOLVED, that said thirty (30) day suspension shall commence at 0001 hours on Friday, March 17, 1995 and terminate at 2400 hours on Saturday, April 15, 1995.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

Recesses taken during the hearing of Sergeant Andrew Blackwell:

6:50 p.m. to 7:00 p.m.
7:15 p.m. to 7:25 p.m.

The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 29, 1995

EXECUTIVE SESSION

5:30 p.m.
Room 505-2

Attorney-Client Conference
Pending Litigation

a. Christine Cooper v. CCSF
Claim No. 94-00672

b. Farmers Insurance Group v. CCSF
Claim No. 94-02538

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 29, 1995

REGULAR MEETING

ROOM 551
5:30 P.M.

1. Pledge of Allegiance

2. Roll Call

3. Closed Session

4. Vote on Whether to Disclose Executive Session Discussion

5. Approval of Minutes of Meetings of February 15, 1995, February 22, 1995, March 8, 1995 and March 15, 1995

6. Approval of Consent Calendar

7. Police Commission Report
   a. Motion on Calendaring New Matters

8. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Chester H. Banks, Potrero Station (File No. RLC C34-241)

9. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Kelvin K. Tso, Records Section (File No. RLC C45-087)

10. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Alan F. McPheter, Medical Liaison (File No. RLC C45-100)

11. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Mark E. Laherty, Mission Station (File No. C45-084 BSK)

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

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Commissioner

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Commissioner

MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued:

12. Chief's Report to the Police Commission

13. Request of the Chief of Police for Approval of Proposed Ordinance Establishing the James Guelff Memorial Peace Officers' Safety Fund

14. Request of the Chief of Police to Apply for, Accept and Expend Funds from the US Department of Justice/Office of Community Oriented Policing Services to Conduct the Community Oriented Policing Services Accelerated Hiring, Education, and Deployment Program

15. Request of the Chief of Police to Apply for, Accept and Expend Funds from the US Department of Justice/Office of Community Oriented Policing Services to Conduct the Community Oriented Policing Services - Making Officer Redeployment Effective Program

16. OCC Director's Report to the Police Commission

17. Discussion and Action re: OCC Policy Recommendations:

    1. In-Custody Deaths and Serious Suicide Attempts
    2. Strip Searches
    3. Rights of the Homeless
    4. Record Keeping at Southern Station
    5. Procuring Field Photographs of Citizens in Non-Arrest Situations
    6. Auto Theft Reporting System
    7. California Vehicle Code Sections 23229 and 27315(d)

18. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

19. Hearing on Charges Filed Against Officer Kenneth C. Nichols, Taraval Station (File Nos. C45-092 JWA, R34-244 JWA & C45-064 JWA)

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MARCH 29, 1995

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

   a. Christine Cooper v. CCSF $15,000.00
   b. Farmers Insurance Group v. CCSF $ 9,754.33

2. Request of the Chief of Police to Accept a Donation of a 1985 Ford Escort from Mr. Julio Vides for the Use of the Auto Detail

3. Request of the Chief of Police to Accept Donation of Three (3) Used Airdine Stationary Bicycles from the Olympic Club for the Use of the Ingleside Station, Police Gym Hall of Justice and Taraval Station

4. Request of the Chief of Police to Accept a Donation of a 1980 Toyota Corolla from Broadmoor Service for the Use of the Auto Detail

5. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Months of December 1994, January 1995, and February 1995

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MARCH 29, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:31 p.m., in a Regular Meeting.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez
*Commissioner Low arrived at 6:03 p.m.

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Hewlett announced there was no Closed Session and the matters calendared for Executive Session and Consent Calendar were voted upon and approved. Motion by Commissioner Rodriguez, second by Commissioner Friday. Approved 3-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO.38-95

CHRISTINE COOPER v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Christine Cooper v. CCSF" in Claim No. 94-00672 in the amount of $15,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 26, 1994

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 39-95

FARMERS INSURANCE GROUP v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Farmers Insurance Group v. CCSF" in Claim No. 94-02538 in the amount of $9,754.33 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 21, 1994

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 40-95

APPROVAL TO ACCEPT A DONATION OF A 1985 FORD ESCORT FROM MR. JULIO VIDES FOR THE USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to Accept a donation of a 1985 Ford Escort, Vin #1FABP3691FW350809, approximately worth $1475.00, from Mr. Julio Vides, for the use of the Auto Detail.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 41-95

APPROVAL TO ACCEPT DONATION OF THREE USED AIRDINE STATIONARY BICYCLES FROM THE OLYMPIC CLUB FOR USE OF THE INGLESIDE STATION, HALL OF JUSTICE POLICE GYM AND TARAVAL STATION

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of three (3) Airdine Stationary Bicycles, valued at $250.00 each for the total of $750.00, from the Olympic Club, for use of the Ingleside Station, Hall of Justice Police Gym and Taraval Station.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 42-95

APPROVAL TO ACCEPT DONATION OF A 1980 TOYOTA COROLLA FROM BROADMOOR SERVICE FOR THE USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of a 1980 Toyota Corolla, VIN No. TE72084797, valued at approximately $925.00, from the Broadmoor Service, for use of the Auto Detail.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 43-95

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF DECEMBER 1994, JANUARY 1995 AND FEBRUARY 1995

RESOLVED, that the Police Commission hereby approves the Report of Expenditures from the Chief's Contingent Fund for the months of December 1994, January 1995 and February 1995.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

APPROVAL OF MINUTES OF MEETINGS OF FEBRUARY 15, 1995, FEBRUARY 22, 1995, MARCH 8, 1995 AND MARCH 15, 1995

Approval of minutes of the meetings of February 15, 1995, February 22, 1995, March 8, 1995 and March 15, 1995, the Commission having received , approved and returned the copies of same.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

POLICE COMMISSION REPORT

No new matters.

RESOLUTION NO. 44-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER CHESTER H. BANKS, POTRERO STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Chester H. Banks, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Banks; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Chester H. Banks and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 45-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER KELVIN K. TSO, RECORDS SECTION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Kelvin K. Tso, Records Section, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Tso; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Kelvin K. Tso and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 46-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER ALAN F. MC PHETERS, MEDICAL LIAISON

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Alan F. McPheters, Medical Liaison, was called it having been set for this date; and

WHEREAS, Commissioner Harry Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer McPheters; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer McPheters and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 47-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER MARK E. LAHERTY, MISSION STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Mark E. Laherty, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Laherty; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct

taking of evidence in the disciplinary charges filed against Officer Laherty and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera briefed the Commission on a recent fire bombing which occurred on March 16th after a domestic violence situation. He indicated Management Control took the initial complaint and that all materials were forwarded to the Office of Citizen Complaints for investigation. He stated that domestic violence is of great concern and a priority to the department and that the department has strong policies in place dealing with the subject.

He also indicated that the topic was introduced at a recent captains' meeting and the importance of these situations was emphasized. He also stated that domestic violence is a number one priority with the department.

He thanked Commissioner Hewlett for her support in the domestic violence training and noted that in 1993, 119 emergency protective orders were obtained by the department and in 1994, 727 were obtained.

Commissioner Hewlett stated she was pleased with the progress in the domestic violence area and indicated she felt that the department was the most proactive in the state in dealing with this matter. She then asked the Chief to issue a bulletin to reemphasize the domestic violence policy within the department.

Chief Ribera then informed the Commission that a meeting with the Police Officers' Association are underway for a new contract. This will include the possibility of consolidation of ranks of sergeants and inspectors pending approval of the vote of the association. He stated he will keep the Commission updated and that Mr. John Liebert of the Human Resource Office along with Mr. Wendell Prior will negotiate the contract with the department's bargaining unit relative to overtime usage. He indicated overtime was down 4.4%; Field Operations is down 8.4%, Investigations down 3%.

The Chief generally discussed budget and assured the Commission that staffing and critical equipment level of funding appeared to be okay.

The Chief also discussed that he, along with Commanders Holder and Martel, had recently attended the boxing program ran by Mr. Sunny Morton and indicated that the children involved in this had recently won three matches at the Golden Gloves.

Crime Stats: The Chief indicated through February 5th part one crime down 16%; crime in Richmond District down and commended Captain Otten and the staff for doing an excellent job.

Commander Holder spoke generally about drive-by shootings and efforts by Patrol and Special Operations in which housing unit, traffic and narcotics and ATF are meeting to deal with the problems.

Commissioner Hewlett then asked the status of Gang Task Force and was told that the unit was in transition due to transfers and also promotions with the bureau.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF PROPOSED ORDINANCE ESTABLISHING THE JAMES GUELFF MEMORIAL PEACE OFFICERS' SAFETY FUND

Chief Ribera stated that he and Commissioner Low attended a press conference today with the business community supporting the conversion of the San Francisco Police Department to automatic weapons by January 1, 1996. All uniform officers

will have Baretta Model 96g. Motion by Commissioner Rodriguez, second by Commissioner Friday. Matter approved 3-0.

RESOLUTION NO. 48-95

APPROVAL OF PROPOSED ORDINANCE ESTABLISHING THE JAMES GUELFF MEMORIAL PEACE OFFICERS' SAFETY FUND

WHEREAS, the Police Commission has previously approved the Police Department's transition from revolvers to semi-automatics as service weapon; and

WHEREAS, the expense of transition includes weapons, related equipment, and training costs;

WHEREAS, the establishment of a special fund to accept donations would ease the financial burden on the City and County; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the attached proposed ordinance which amends the Administrative Code by adding Section 10.117-114 and establishes the James Guelff Memorial Peace Officers' Safety Fund.

AYES: Commissioner Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES ACCELERATED HIRING, EDUCATION, AND DEPLOYMENT PROGRAM

Sergeant John Bisordi, Fiscal, presented the request. Motion by Commissioner Friday, second by Commissioner Rodriguez. Matter approved 3-0.

RESOLUTION NO. 49-95

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES ACCELERATED HIRING, EDUCATION, AND DEPLOYMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the US Department of Justice/Office of Community Oriented Policing Services to conduct the Community Oriented Policing Services Accelerated Hiring, Education, and Deployment Program.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES - MAKING OFFICER REDEPLOYMENT EFFECTIVE PROGRAM

Presented by Sergeant John Bisordi, Fiscal. Motion by Commissioner Rodriguez, second by Commissioner Friday. Matter approved 3-0.

will have Baretta Model 96g. Motion by Commissioner Rodriguez, second by Commissioner Friday. Matter approved 3-0.

RESOLUTION NO. 48-95

APPROVAL OF PROPOSED ORDINANCE ESTABLISHING THE JAMES GUELFF MEMORIAL PEACE OFFICERS' SAFETY FUND

WHEREAS, the Police Commission has previously approved the Police Department's transition from revolvers to semi-automatics as service weapon; and

WHEREAS, the expense of transition includes weapons, related equipment, and training costs;

WHEREAS, the establishment of a special fund to accept donations would ease the financial burden on the City and County; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the attached proposed ordinance which amends the Administrative Code by adding Section 10.117-114 and establishes the James Guelff Memorial Peace Officers' Safety Fund.

AYES: Commissioner Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES ACCELERATED HIRING, EDUCATION, AND DEPLOYMENT PROGRAM

Sergeant John Bisordi, Fiscal, presented the request. Motion by Commissioner Friday, second by Commissioner Rodriguez. Matter approved 3-0.

RESOLUTION NO. 49-95

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES ACCELERATED HIRING, EDUCATION, AND DEPLOYMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the US Department of Justice/Office of Community Oriented Policing Services to conduct the Community Oriented Policing Services Accelerated Hiring, Education, and Deployment Program.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OE COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES - MAKING OFFICER REDEPLOYMENT EFFECTIVE PROGRAM

Presented by Sergeant John Bisordi, Fiscal. Motion by Commissioner Rodriguez, second by Commissioner Friday. Matter approved 3-0.

RESOLUTION NO. 50-95

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE US DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING SERVICES TO CONDUCT THE COMMUNITY ORIENTED POLICING SERVICES-MAKING OFFICER REDEPLOYMENT EFFECTIVE PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the US Department of Justice/Office of Community Oriented Policing Services to conduct the Community Oriented Policing Services - Making Officer Redeployment Effective Program.

AYES: Commissioners Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Interim Director Office of Citizen Complaints, discussed complaint on domestic violence/arson that occurred in the Potrero District and indicated that an OCC complaint was taken yesterday and MCD has provided all the information they received and turned it over to the OCC and matter has been assigned to Charles Gallman, investigator at OCC. John Parker, also indicated that the domestic violence policy with the San Francisco Police Department is a strong one.

John Parker then indicated that the OCC expected to move and relocate within the next eight days. He further stated that due to this, he would only be able to provide limited first quarter statistics during the time of the move.

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS

Lieutenant Ed Pecinovsky, Legal, described at length the process used to gain input from the interested parties regarding OCC recommendations.

PUBLIC COMMENTS re: OCC Policy Recommendations

John Crew, ACLU, stated he appreciates Lieutenant Pecinovsky's assignment to the project. He stated his concerns that outside input came late in the process.

Discussion then followed regarding item 17.5, Procuring Field Photographs of Citizens in Non-Arrest Situations and Commissioner Low stated that he would like a one year review of that policy.

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Recommendations approved 4-0.

RESOLUTION NO. 51-95

APPROVAL OF OCC POLICY RECOMMENDATIONS: (1) IN-CUSTODY DEATHS AND SERIOUS SUICIDE ATTEMPTS; (2) STRIP SEARCHES; (3) RIGHTS OF THE HOMELESS; (4) RECORD KEEPING AT SOUTHERN STATION; (5) PROCURING FIELD PHOTOGRAPHS OF CITIZENS IN NON-ARREST SITUATIONS; (6) AUTO THEFT REPORTING SYSTEM; (7) CALIFORNIA VEHICLE CODE SECTIONS 23229 AND 27315(d)

RESOLVED, that the Police Commission hereby approves the OCC Police Recommendations: (1) In-Custody Deaths and Serious Suicide Attempts; (2) Strip Searchers; (3) Rights of Homeless; (4) Record Keeping at Southern Station; (5) Procuring Field Photographs of Citizens in Non-Arrest Situations; (6) Auto Theft Reporting System; (7) California Vehicle Code Sections 23229 and 27315(d).

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

John Crew, ACLU, spoke regarding 938 Harrison Street and his concerns in being upset over the ABC's lack of cooperation with the department. Chief Ribera responded and stated he hoped to reach an agreement with the ABC.

John Crew also discussed his concerns regarding Early Warning System matter was not on the calendar.

Chief Ribera advised that a meeting with the POA is to take place first.

Maggie Olsen discussed crime control and statistics.

HEARING ON CHARGES FILED AGAINST OFFICER KENNETH C. NICHOLS, TARAVAL STATION

The hearing of Police Officer Kenneth C. Nichols, Taraval Station, was called it having been set for this date. Officer Nichols was charged with violating the Rules and Procedures as follows:

FILE NO. C45-092 JWA:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of the General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (violation of Rule Paragraph III, D of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

FILE NO. C45-064 JWA:

SPECIFICATION NO. 1

Use of unnecessary force (violation of Rule XI.A of General Order F-4 which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

FILE NO. R34-244 JWA:

SPECIFICATION NO. 1

Being disrespectful toward a superior officer (violation of Rule A-13 of General Order
D-1 of the San Francisco Police Department).

in a properly verified complaints by Anthony Ribera, Chief of Police of the San Francisco Police Department.

Officer Kenneth C. Nichols appeared in person and was represented by Mr.

Robert Mueller, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding him guilty on Specifications Nos. 1, 2 and 3 of Case No. C43-092, Specification No. 1 of Case No. C45-064 and Specification No. 1 of Case No. R34-244 JWA.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. It is the recommendation of the Chief of Police that Officer Kenneth C. Nichols be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 52-95

DECISION - HEARING OF OFFICER KENNETH C. NICHOLS, TARAVAL STATION

WHEREAS, on November 8, 1994 and January 5, 1995, Anthony Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Kenneth C. Nichols as follows:

FILE NO. C45-092 JWA

SPECIFICATION NO. 1

(1) At all times herein mentioned, Kenneth C. Nichols, Star Number 1469, (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to the Taraval Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 2, 1994, at 0245 hours, the accused was off-duty and became involved in an incident in an all night restaurant located at 2550 Van Ness Avenue in the City and County of San Francisco, State of California;

(4) Earlier in the evening of November 1, 1994 and on November 2, 1994, before 0230 hours, the accused consumed a large quantity of beverage alcohol; after eating in the restaurant, the accused's companions attempted to dissuade him from driving his automobile because of his obvious intoxication; the accused refused to permit his companions to take his car keys and some loud arguing and pushing ensued, a security guard responded to the scene;

(5) A man sitting at the next table (the victim) became concerned over the argument; the victim stood up and stated to the accused that the really should listen to his companions; the accused pushed the victim; the security guard intervened which resulted in a full fledged fight in the restaurant; the accused was identified as a member of the San Francisco Police Department; during the fight with the security guard, the accused made a move to the back of his pants as though to get his handgun;

(6) After a few minutes of the accused tussling with the security guard, the accused's companions pulled him from the premises; the victim followed the accused from the restaurant, witnessed him enter his motor vehicle and start to drive away; the accused stopped the vehicle and made threatening remarks to the victim who walked away and evaded further trouble; the accused returned to the scene after the San Francisco Police Department responded to an emergency call occasioned by the accused's previous assault on the victim and the security guard; the accused was arrested, his firearm was taken from him and he was transported to the Hall of Justice where he was tested for the presence of alcohol;

(7) The accused by becoming intoxicated in a public place, engaging in an assault on a citizen and on a security guard inside a restaurant fighting with the security guard, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable be the Board."

SPECIFICATION NO. 2

(8) Paragraphs (1) through (6) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(9) At said times and places alleged in Specification No. 1 above, the accused was carrying a handgun and was intoxicated;

(10) The accused by being intoxicated off-duty while carrying a weapon, violated Paragraph III.D of General Order D-4 of the San Francisco Police Department which states:

"A member while off-duty and carrying a weapon shall not consume alcoholic beverages to the extent that he become intoxicated."

SPECIFICATION NO. 3

(11) Paragraphs (1) through (6) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(12) Before and after his initial assault on the victim in this matter, the accused drove a motor vehicle; the accused was intoxicated while driving the vehicle;

(13) The accused was arrested for driving a motor vehicle while under the influence of alcohol; the accused was transported to the Traffic Company at the Hall of Justice for alcohol testing;

(14) The accused agreed to the Breatholyzer test; the test was administered to the accused on November 2, 1994 at 0539 hours and the result was a reading of .183 and .182 percent of alcohol in his blood by weight;

(15) California Vehicle Code Section 23152(b) states: "It is unlawful for

any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle."

(16) The accused by virtue of the herein alleged behavior, specifically, driving his vehicle while intoxicated in violation of California Vehicle Code Section 23152(b) engaged in conduct which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

FILE NO. C45-064 JWA

SPECIFICATION NO. 1:

(1) At all times herein mentioned, Kenneth C. Nichols, Star Number 1469, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to the Muni Transit Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 27, 1994, at 1600 hours, the accused was working on patrol duty near 1306 Sanchez Street;

(4) On January 27, 1994, at 1600 hours, the accused and two other officers detained three juveniles in connection with a call that one of them possessed a handgun;

(5) The officers ordered the juveniles to lay on the ground with their hands away from their bodies; the accused approached one of the juveniles lying prone on the ground and kicked or kneed the juvenile on his neck, causing a deep laceration to the victim's chin;

(6) The accused by kicking or kneeing the victim while he was in a prone position on the ground used unnecessary force in violation of department procedures as set forth in General Order F-4 of the San Francisco Police Department, particularly, Rule XI-A, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(7) The accused, in using unnecessary force by kicking or kneeing a prisoner detained in a prone position in violation of General Order F-4 has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department and which brings discredit on the department and constitutes a violation on Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct

on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

FILE NO. R34-244 JWA

(1) At all times herein mentioned, Kenneth C. Nichols, Star Number 1469, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to the Taraval District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On June 30, 1993, at 0130 hours, the accused was off-duty, drinking with friends and entered a bar located at 1501 Folsom, San Francisco, California;

(4) Before June 30, 1993, the accused had been to the same bar on other occasions; on May 18, 1993, the accused appeared to be intoxicated and was vulgar and antagonistic to bar employees, the management of the bar called the police to request the accused be escorted from the bar; the police responded and escorted the accused from the bar that evening; on Folsom Street near the bar, on May 19, 1993, a San Francisco Police Department sergeant stopped the accused and counseled him to stay away from the bar in the future;

(5) On June 30, 1993, at about 0130 hours, the accused appeared to the management of the bar located at 1501 Folsom Street, to be intoxicated when he entered the bar and they called for police assistance; a San Francisco Police Department sergeant and two other officers from the Southern District responded to the bar and escorted the accused from the premises;

(6) After the accused left the bar and was outside the premises, he refused to produce his San Francisco Police Department identification and was rude and sarcastic in his statements to the sergeant; in the course of the investigation, the accused appeared to be more under the influence of alcohol than his companions and acted in a confrontational manner; the accused was taken to Southern Station and submitted to a breath test for alcohol, which resulted in a reading of .17 percent of alcohol in the blood by weight;

(7) As a parting shot, the accused threatened the sergeant in veiled terms that "No matter what I do today, nothing is going to get me fired" and "I have a long memory;"

(8) By using sarcastic, confrontational and abusive language toward a police sergeant who was trying to abate a problem and by threatening the sergeant, the accused has engaged in conduct which constitutes a violation of Rule A-13 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall be respectful of superior officers at all times."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, January 24, 1995, Wednesday, February 1, 1995 and on Wednesday, March 29, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3 of File No. C45, 092 JWA, Specification No. 1 of File No. C45-064 JWA and Specification No. 1 of File No. R34-244 JWA, as preferred by Chief of Police Anthony Ribera against Officer Kenneth C. Nichols are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2 AND 3 (File No. C45-092 JWA)

Sustain - Termination

SPECIFICATION NO. 1 (File Nos. C045-064 & R34-244 JWA)

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Friday, Low, Rodriguez
NAY: Commissioner Hewlett

Recesses taken during the hearing of Officer Kenneth C. Nichols:

7:10 p.m. - 7:20 p.m.
7:32 p.m. - 7:45 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 5, 1995

CLOSED SESSION

4:30 p.m.

CONFERENCE WITH LEGAL COUNSEL/Existing Litigation, as defendant or cross-defendant

Pursuant to Government Code Section 54956.9(a)

See Exhibit A attached to the agenda for a list of the cases to be discussed.

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EXHIBIT A

AAADC v. ADL, et al., United States District Court, Central District of California, No. CV 93-6358 RAP

Acosta v. CCSF, United States District Court No. C92-4321 FMS

Alexander v. CCSF, United States District Court No. C91-01338

Alexander v. CCSF, Superior Court No. 956-173

Balestreri v. CCSF, United States District Court No. C94-3828

Collins v. CCSF, United States District Court No. C93-0741 SC

Conlon v. CCSF, United States District Court No. C92-3633

Creed v. CCSF, Superior Court No. 952-759

Donahue v. Casey, et al., United States District Court No. C91-2028 WHO; Superior Court No. 947-222

Dotson v. CCSF, United States District Court No. C94-0077

Fernandez v. CCSF, United States District Court No. C93-2957

Fogel v. CCSF, Superior Court No. 959-316

Hensic v. CCSF, Superior Court No. 948-994; Court of Appeal No. A069431

Lombardo v. CCSF, United States District Court No. C94-2965 MHP

McCoy v. CCSF, United States District Court No. C91-2856

Roberts v. CCSF, United States District Court No. C94-4153 CAL

Sullivan v. CCSF, United States District Court No. C94-2370

Tavarez v. Khoury, et al., San Bernardino County Superior Court No. SCV 11637

Turner v. CCSF, United States District Court No. C94-1357

Velasquez v. Normandy, et al., Superior Court No. 965-629

Wong v. CCSF, Superior Court No. 940-018

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 5, 1995

REGULAR MEETING

ROOM 551
5:30 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring New Matters
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Critical Incident Review Committee's Report
9. Discussion and Action Re: Opposition to Senate Bill 74
10. Discussion and Action Re: General Order 3.19, "Counseling of Members/ Early Warning System"
11. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)
12. Hearing on Charges Filed Against Officer Stuart S. Fong, Support Services (File No. C45-023 RLC)

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 5, 1995

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

   a. The Estate of Brian Sullivan v. CCSF $295,000.00

2. Request of the Chief of Police to Accept $40.00 Gift Certificates to Chevy's Restaurant, from Mr. Lars Lord, as Apprecition Gifts for Officers Kurt Schneider and Joseph McCloskey

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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APRIL 5, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street from 4:40 p.m. to 6:10 p.m., for an Executive Session.

CONFERENCE WITH LEGAL COUNSEL/Existing Litigation, as defendant or cross-defendant

Pursuant to Government Code Section 54956.9(a)

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

APRIL 5, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Motion by Commissioner Hewlett, second by Commissioner Friday. Commissioner Low stated that the Commission met in Executive Session and discussed pending litigation involving the police department with the City Attorney who updated the Commission on these cases. Commissioner Low stated that no action was taken and no policy reviews were needed at this time and that the Commission will continue to review these pending cases. He also stated that the Commission considered the Consent Calendar items.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Friday, second by Commissioner Hewlett. Consent Calendar approved 4-0.

RESOLUTION NO. 53-95

THE ESTATE OF BRIAN SULLIVAN v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "The Estate of Brian Sullivan v. CCSF" in USDC No. C94-2370 CAL, in the amount of $295,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 15, 1995

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 54-95

APPROVAL TO ACCEPT $40.00 GIFT CERTIFICATES TO CHEVY'S RESTAURANT, FROM MR. LARS LORD, AS APPRECIATION GIFTS FOR OFFICERS KURT SCHNEIDER AND JOSEPH MC CLOSKEY

RESOLVED, that the Police Commission hereby approves the acceptance of $40.00 gift certificates to Chevy's Restaurant, from Mr. Lars Lord, as appreciation gifts for Officers Kurt Schneider and Joseph McCloskey.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

No new matters to be calendared.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed concerns regarding the ABC agents involved with 938 Harrison and stated he talked with Director Jay Stroh regarding OCC interviews and that he's written a letter and asked for reply by April 12th.

Deputy Chief Lau then briefed the Commission on recent arrests involving bank robberies. He indicated a series of 18 bank robberies and five attempts and that a task force was formed under Lieutenant Tom Carew, Robbery Detail. He stated two males are arrested and two additional involved in these series of robberies. The FBI will prosecute the individuals.

Steve Lutz, Planning Division, then briefed the Commission on patterns of 148 arrests as requested previously.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, interim Director Office of Citizen Complaints, indicated relocation of the office will take place on Monday, April 10th.

CRITICAL INCIDENT REVIEW COMMITTEE'S REPORT

Chief Ribera thanked the committee and also Commissioner Hewlett for their support.

Captain Minasian, chairperson of the committee, stated that the committee reviewed the Pine and Franklin Street shooting and presented the committee's report.

Commissioner Hewlett commend Captain Minasian and the committee for their diligent work on their review and their report.

Chief Ribera stated he plans to get experts involved in the costs budget issue planning training coordination policy issues and two officers radio car. He stated he will report back to the Commission on the progress in approximately 90 days.

Commissioner Hewlett then asked that the report be distributed to all captains for their input.

Inspector Earl Sanders, Homicide Detail, complimented all involved who participated in preparing this report and discussed his support for retraining and suggested that all the recommendations in the report be implemented.

DISCUSSION AND ACTION RE: OPPOSITION TO SENATE BILL 74

Lieutenant Pecinovsky discussed Senate Bill 74. Motion by Commissioner Hewlett, second by Commissioner Rodriguez that the Commission adopt resolution opposing Senate Bill 74. Matter approved 4-0.

RESOLUTION NO. 55-95

OPPOSITION TO SENATE BILL 74

WHEREAS, the proliferation of concealed firearms being carried in public presents a significant public safety problem; and

WHEREAS, Senate Bill 74, if passed, would virtually force Sheriffs and Chiefs of Police to issue concealed weapon permits under an expanded definition of "good cause"; and

WHEREAS, Senate Bill 74, if passed, would establish a complex and costly appellate procedure for persons denied a permit; and

WHEREAS, Senate Bill 74, if passed, would require the losing party in an appeal to

pay the costs of appeal; and

WHEREAS, permits for carrying a concealed weapon should be issued only under the most extraordinary circumstances; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to adopt the attached resolution which establishes the City and County of San Francisco's opposition to Senate Bill 74.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: GENERAL ORDER 3.19, "COUNSELING OF MEMBERS/EARLY WARNING SYSTEM"

Lieutenant Bill Davenport, MCD, stated he met with the POA regarding their concerns on General Order 3.19 and he presented the ORder to the Commission.

Barbara Attard, OCC, recommended adoption and suggested policy statement be changed to three complaints within one year..

John Crew, ACLU, discussed his concerns and also suggested three or more complaints.

Chief Ribera then discussed tracking and identifying the problems.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Matter approved 4-0.

RESOLUTION NO. 56-95

APPROVAL OF GENERAL ORDER 3.19, "COUNSELING OF MEMBERS/EARLY WARNING SYSTEM"

RESOLVED, that the Police Commission hereby approves General Order 3.19, "Counseling of Members/Early Warning System".

AYES: Commissioners Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olesen discussed budget, critical mass bicycle ride and avoiding lawsuit during demonstrations and police misbehavior.

HEARING ON CHARGES FILED AGAINST OFFICER STUART S. FONG, SUPPORT SERVICES (FILE NO. C45-023 RLC)

Matter put over to May 3, 1995.

Thereafter, the meeting was adjourned at 7:35 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

DAVID C. DETRICK
Commissioner

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

LT. MANUEL BARRETTA
Secretary

95

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 19, 1995

REGULAR MEETING

ROOM 551, 5:30 P.M.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
    a. Motion on Calendaring of New Items
    b. Resignation of Officer Douglas D. Hansen, Support Services Division
    c. Resignation of Officer Genady W. Komarchuk, Warrant Section
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

8. Hearing on Charges Filed against Officer Tyree E. Banks, Ingleside Station (File No. C45-025 JWA)
9. Hearing on Charges Filed against Officer Mark E. Laherty, Mission Station (File No. C45-084 BSK)
10. Hearing and Decision on Charges Filed against Officer Philip L. Carvalho, Southern Station (File No. C45-047 BSK)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 19, 1995

CONSENT CALENDAR

1. Request of the Chief of Police to Accept Donation of a 1982 Ford Mustang from Mr. David Bollentini valued at $1,400.00 for the Use of the Auto Detail

2. Request of the Chief of Police to Accept Donation of an armored truck from the Armored Transport, Inc.

3. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Month of March 1995

4. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Macovei Sucilia

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

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APRIL 19, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 57-95

APPROVAL TO ACCEPT DONATION OF A 1982 FORD MUSTANG FROM MR. DAVID BOLLENTINI FOR USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of a 1982 Ford Mustang from Mr. David Bollentini, valued at $1400.00, for use of the Auto Detail.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 58-95

APPROVAL TO ACCEPT DONATION OF AN ARMORED TRUCK FROM THE ARMORED TRANSPORT, INC.

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of an armored truck from the Armored Transport, Inc.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 59-95

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF MARCH, 1995

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the month of March, 1995.

AYES: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO 60-95

TAXICAB OWNERS PERMIT FOR MACOVEI SUCILIA

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Macovei Sucilia, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Macovei Sucilia.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

POLICE COMMISSION REPORT

No new matters to be calendared. Commissioner Low indicated that the Commission is in receipt of resignations of Officer Douglas Hansen and Officer Genady Komarchuk and both matters are taken off calendar.

RESOLUTION NO. 61-95

RESIGNATION OF OFFICER DOUGLAS D. HANSEN, SUPPORT SERVICES

WHEREAS, on September 21, 1994, Anthony D. Ribera, Chief of Police, made and served charges against Officer Douglas D. Hansen, Support Services Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Working secondary employment without first securing the permission of the Chief of Police (violation on Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Working secondary employment while on disability leave (violation of Rule IX-M of General Order D-8 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer truthfully and without evasion when questioned by a Management Control Division Investigator (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 6

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, Chief of Police Anthony Ribera announced that Officer Douglas D. Hansen has resigned from the San Francisco Police Department, said resignation effective close of business April 3, 1995; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Douglas D. Hansen, Support Services Division, be, and the same are hereby continued off calendar.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 61-95

RESIGNATION OF OFFICER GENADY W. KOMARCHUK, WARRANT SECTION

WHEREAS, on November 22, 1994, Anthony D. Ribera, Chief of Police, made and served charges against Officer Genady W. Komarchuk, Warrant Section, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substances Act without a valid prescription (violation of Rule III, subsection C, of General Order D-18 of the San Francisco Police Department);

and

WHEREAS, Chief of Police Anthony D. Ribera announced that Officer Genady W. Komarchuk has resigned from the San Francisco Police Department, said resignation effective close of business April 6, 1995; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Genady W. Komarchuk, be, and the same are hereby continued off calendar.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated he attempted to reach agreement with the ABC agents and stated that they received a written complaint and by attorney and on advise of counsel ABC has declined interviews. He also stated the department has taken appropriate actions regarding security in view of the Oklahoma bombing incident. He also discussed matters of the Housing Task Force Unit.

Chief Ribera then asked the Commission to calendar for discussion the consolidation of ranks of sergeants and inspectors for April 26th subject to approval of the POA vote.

Chief Ribera then discussed domestic violence. Deputy Chief Lau, Captain Welch, Lieutenant Tong, Commissioner Hewlett and the Commission of the Status of Women met and Chief Lau indicated discussed the establishment of the domestic violence response unit and asked that the matter be calendar for May 3rd.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, Acting Director OCC, updated the Commission regarding 938 Harrison complaint and indicated there are 57 allegations at this point, 17 interviews to be rescheduled and six civilian interviews to be rescheduled. He stated it will take approximately four weeks to write up the investigation and it will then be forwarded to

the Chief for review.

PUBLIC COMMENTS

Sandra Brown, representing Mothers Helping Mothers Project, is upset regarding treatment of residents in her community. She discussed problems with the landlord and also 12 year old allegedly beaten by police.

Maggie Olesen discussed misbehavior.

HEARING OF POLICE OFFICER TYREE E. BANKS, INGLESIDE STATION

The hearing of Police Officer Tyree E. Banks, Ingleside Station, was called it having been set for this date. Officer Banks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

> Engaging in secondary employment while on sick leave and while on disability leave, (violation of Rule IX, subsection N, of General Order D-8 of the San Francisco Police Department [now Rule I-M-2-i of Department General Order 11.01]);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Tyree E. Banks appeared in person and was represented by Mr. Robert L. Mueller, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Mueller entered a plea of no contest on Specification No. 1 on behalf of Officer Banks. Officer Banks personally affirmed entry of his no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification No. 1.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Banks be suspended for ninety (90) days; sixty (60) days held in abeyance for two years.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 63-95

DECISION - HEARING OF OFFICER TYREE E. BANKS, INGLESIDE STATION

WHEREAS, on December 29, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Tyree E. Banks, as follow:

SPECIFICATION NO. 1:

(1) At all times herein mentioned, TYREE E. BANKS, Star Number 2037, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department now assigned to Ingleside Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On September 15, 1986, pursuant to the provisions of General Order T-1 and the Rules of the Civil Service Commission, the accused requested permission from the Chief of Police to work secondary employment in an unspecified security position for Safeway Stores Inc., at its Ocean Avenue location in San Francisco. In that connection the accused signed his name immediately below the following language appearing on the form:

"I CERTIFY THAT THE ABOVE INFORMATION IS TRUE; THAT I AM FAMILIAR WITH THE DEPARTMENT REGULATIONS PERTAINING TO SECONDARY EMPLOYMENT, AND THAT THE ABOVE DESCRIBED EMPLOYMENT DOES NOT CONFLICT WITH THE REGULATIONS IN ANY WAY. I HEREBY ACKNOWLEDGE THAT ANY RIGHTS TO DISABILITY PAY THAT I MIGHT RECEIVE FROM THE CITY AND COUNTY OF SAN FRANCISCO WILL BE DETERMINED BY THE RETIREMENT BOARD. I UNDERSTAND THAT I MAY NOT USE POLICE DEPARTMENT ISSUED EQUIPMENT EXCEPT FOR STAR AND IDENTIFICATION CARD WHICH SHALL ONLY BE DISPLAYED WHEN NECESSARY TO PERFORM AN ARREST OR OTHER POLICE DUTY.

I UNDERSTAND THAT I MAY NOT WORK AT SECONDARY EMPLOYMENT WHILE ON SICK LEAVE WITH PAY.

I UNDERSTAND THAT I MAY NOT WORK AT SECONDARY EMPLOYMENT WHILE ON DISABILITY LEAVE WITH PAY."

(4) During his employment with Safeway Stores, set forth in paragraph 3 above, the accused was carried as being on sick leave with pay or disability leave with pay and worked the number of days in each indicated year at the rate of pay indicated in the following chart:

YEAR	DAYS WORKED CARRIED ON SICK LEAVE	TOTAL HOURS WORKED & AMOUNT ACCUSED WAS PAID BY SAFEWAY [$12.50/hour]	DAYS WORKED CARRIED ON DISABILITY LEAVE WITH PAY	TOTAL HOURS WORKED & AMOUNT ACCUSED WAS PAID BY SAFEWAY [$12.50/Hour]
1989	4	(14.14 hrs) $176.75	16	(67.75 hrs) $846.87
1990	1	(3.76 hrs) $47.00	34	(138.43 hrs) $2,819.00

YEAR	DAYS WORKED CARRIED ON SICK LEAVE	TOTAL HOURS WORKED & AMOUNT ACCUSED WAS PAID BY SAFEWAY [$12.50/hour]	DAYS WORKED CARRIED ON DISABILITY LEAVE WITH PAY	TOTAL HOURS WORKED & AMOUNT ACCUSED WAS PAID BY SAFEWAY [$12.50/Hour]
1991	-	-	8	(38.78 hrs) $484.75
1992	1	(4.19 hrs) $52.37	1	(4.45 hrs) $55.62
Totals	6 days	(22.09 hrs) $276.12	59 days	(249.41 hrs) $4,206.24

(5) Although the accused reported himself as unable to perform police duties in his dealings with the department and the Retirement Board, he held himself out as able to perform the same kinds of duties and received pay for those duties from Safeway Stores;

(6) The accused was returned to duty from disability leave by the doctors and on May 14, 1993, the accused appeared at a rating pretrial hearing before a Retirement Board hearing officer in an effort to fix permanent disability for the injuries causing disability leave including the periods set forth above;

(7) The accused admitted during the interview with the Management Control Division that he worked for Safeway Stores during periods when he reported himself as disabled and unable to perform services for the department;

(8) The accused by working as security for Safeway Stores while on sick leave with pay and while on disability leave with pay, engaged in conduct in violation of Rule IX, subsection N, of General Order D-8 of the San Francisco Police Department, [now Rule I-M-2-i of Department General Order 11.01] which states:

"Members shall not engage in any other business or calling while off duty on sick leave with pay or disability leave with pay, notwithstanding the fact that prior written permission to engage in such other business or calling has been received from the Chief of Police."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on

Wednesday, April 19, 1995, and the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Banks' plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Anthony Ribera against Officer Tyree E. Banks are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) day suspension; Sixty (60) days held in abeyance and Officer Banks shall be on probation for two years

RESOLVED, that the total suspension of thirty (30) days shall commence on Saturday, April 22, 1995 at 0001 hours and end on Sunday, May 21, 1995, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER MARK E. LAHERTY, MISSION STATION

The hearing of Police Officer Mark E. Laherty, Mission Station, was called it having been set for this date. Officer Laherty was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Use of unnecessary force (violation of Rule XI.A of General Order F-4 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Mark E. Laherty appeared in person and was represented by Mr. Robert L. Mueller, Attorney at Law.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Mr. Mueller entered a plea of no contest on Specification No. 1 on behalf of Officer Laherty. Officer Laherty personally affirmed entry of his no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification No. 1.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Laherty be suspended for ten (10) days; six (6) days held in abeyance for two years.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 64-95

DECISION - HEARING OF OFFICER MARK E. LAHERTY, MISSION STATION

WHEREAS, on March 16, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Mark E. Laherty, as follows:

SPECIFICATION NO. 1:

(1) At all times herein mentioned, Mark E. Laherty, Star Number 1644, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to the Mission District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On November 18, 1993, the accused was on duty as a patrol officer in the Mission District. The accused was pursuing a call of a naked woman in Valencia Gardens. During this response, the accused sw a man dump what appeared to be rock cocaine on the ground. The accused approached the man and a struggle ensued;

(4) The complainant noticed the struggle and came to investigate. The accused lost control of the suspect, followed him and lost the trail. The accused returned to where the complainant was working, as a painter, and arrested the complainant for interfering in the arrest of the suspect thereby allowing the suspect to escape;

(5) As the accused walked the complainant down the street on Valencia, the accused repeatedly slapped and pushed the complainant in and about the head, neck and shoulder area;

(6) The complainant was in handcuffs as the time this action took place;

(7) The accused, by slapping the complainant, used unnecessary force in violation of department procedures as set forth in General order F-4 of the San Francisco Police Department, particularly, Rule XI-A, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, April 19, 1995 and on said date the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Laherty's plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Anthony Ribera against Officer Mark E. Laherty are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ten (10) day suspension; Six (6) days held in abeyance and Officer Laherty shall be on probation for two years

RESOLVED, that the total suspension of four (4) days shall commence on Thursday, April 20, 1995 at 0001 hours and end on Sunday, April 23, 1995 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES:	Commissioners Friday, Low, Rodriguez
NAY:	Commissioner Hewlett
ABSENT:	Commissioner Conroy

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER PHILIP L. CARVALHO, POTRERO STATION

The hearing of Officer Philip L. Carvalho, Potrero Station, was called it having been set for this date. Officer Philip L. Carvalho was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Conduct Reflecting Discredit - violation of Rule I.[a](9) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 2

Conduct Reflecting Discredit - violation of Rule I.[a](9) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 3

Conduct Reflecting Discredit - violation of Rule I.[a](9) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 4

Use of a Racial Slur - violation of Rule I.[a](9) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 5

Conduct Reflecting Discredit - violation of Rule I.[a](9) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 6

Neglect of Duty - violation of Rule IV(a) of General Order L-1 of the San Francisco Police Department;

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Carvalho appeared in person and was represented by Mr. Robert Mueller, Attorney at Law.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Closing arguments were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specifications 1 through 6.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. It is the recommendation of the Chief of Police that Officer Philip L. Carvalho be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 65-95

DECISION - HEARING OF OFFICER PHILIP L. CARVALHO, POTRERO STATION

WHEREAS, on September 21, 1994, Anthony Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Philip L. Carvalho as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Philip L. Carvalho, Star Number 876 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Southern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On September 18, 1993, at the Sound Factory Nightclub in San Francisco, the accused, while off-duty, was asked by a security guard to remove his baseball cap. Said cap was a violation of the club's dress code;

(4) Rather than removing his cap, the accused identified himself as a San Francisco Police Officer and proceeded to use profane and uncivil language towards the security guard and other staff persons (hereinafter the complainants);

(5) The accused was observed by at least three citizens to be under the influence of alcohol;

(6) After the accused became verbally abusive, he was taken to the security office of the nightclub where he continued his obscene language, threatened the complainants and acted in a generally unprofessional manner;

(7) Said language was a violation of Rule I.(a)[9] of General Order D-1 which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(8) Paragraphs 1 through 6 inclusive are realleged as written;

(9) The accused did identify himself as a San Francisco Police officer while in public and under the influence of alcohol in violation of the Order written above;

SPECIFICATION NO. 3

(10) Paragraphs 1 through 6 inclusive are realleged as written;

(11) During the incidents related above, the accused did threaten to shoot the complainants in violation of the General Order;

SPECIFICATION NO. 4

(12) Paragraphs 1 through 6 inclusive are realleged as written;

(13) The accused did refer to one complainant, a black man, as a "fucking nigger" in violation of the General Order;

SPECIFICATION NO. 5

(14) Paragraphs 1 through 6 inclusive are realleged as written;

(15) The accused did consume alcohol at Club Touche after 2:00 a.m., a violation of the laws of the State of California and a violation of the General Orders;

SPECIFICATION NO. 6

(16) Paragraphs 1 through 6 inclusive are realleged as written;

(17) The accused was notified of an interview with the Office of Citizen Complaints on April 1, 1994. The interview was set for April 12, 1994 at 4:00 p.m.;

(18) The accused failed to show for his interview. Furthermore, the accused failed to follow the procedure for documenting a missed interview, in violation of General Order L-1, Rule IV(a), which states:

"Members shall appear for scheduled OCC interviews unless the appointment has been rescheduled by OCC prior to the date of the interview. An unexcused failure to appear for an OCC scheduled interview may result in disciplinary action."

and

WHEREAS, a hearing on said charges was held on Thursday, February 23, 1995 and on Wednesday, April 19, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 through 6 as preferred by Chief of Police Anthony Ribera against Officer Philip L. Carvalho are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATIONS 1 THROUGH 6

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES:	Commissioners Friday, Low, Rodriguez
NAY:	Commissioner Hewlett
ABSENT:	Commissioner Conroy

Recesses taken during the hearing of Officer Philip L. Carvalho:

6:40 p.m. - 6:50 p.m.
7:05 p.m. - 7:30 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned at 7:35 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, APRIL 26, 1995

REGULAR MEETING

ST. ANTHONY'S SCHOOL
209 PRECITA & FOLSOM STREETS

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
    a. Motion on Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Request of the Chief of Police for Approval of Consolidation of the Ranks of Sergeant and Inspector; Schedule for Promotive Examinations
7. Request of the Chief of Police for Approval to Appropriate $139,845 from the San Francisco Traffic Offender Program, a Special Revenue Fund
8. Captain Michael Dower, Commanding Officer Ingleside Station, to Address the Commission on Police Activities in the Ingleside District
9. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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POLICE COMMISSION MEETING

in the Ingleside Police District
at
St. Anthony's School
209 Precita Ave., at Folsom St.

Harry Low
President

Chlotilde Hewlitt
Vice-president

David Rodriguez

Wayne Friday

Annemarie Conroy

Community members are invited to attend and voice their concerns.

Wednesday, April 26th at 6PM

CALL 553-1667 FOR MORE INFORMATION

SAN FRANCISCO POLICE COMMISSION

April 26, 1995

There are no minutes available for this meeting

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

KATHERINE A. FEINSTEIN
Commissioner

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 3, 1995

CLOSED SESSION

5:15 p.m.

Attorney-Client Conference
Pending Litigation

a. James Ray Fenn v. CCSF
Unlitigated Claim #94-00672

b. Yvonne Dotson v. CCSF, et al
USDC No. C94-077

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

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Vice President

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Commissioner

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 3, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State of California Office of Criminal Justice Planning (OCJP) to Conduct the Anti-Drug Abatement Enforcement Program
9. Request of the Chief of Police for Approval of Proposed Loan Agreement for Radio Equipment Between the U.S. Department of Defense and the San Francisco Police Department
10. Discussion and Action re: Domestic Violence Response Unit

HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1554

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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Commissioner

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Commissioner

WAYNE FRIDAY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued:

11. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

12. Hearing on Charges Filed Against Officer Chester H. Banks, Support Services (File No. C34-241 RLC)

13. Hearing on Charges Filed Against Officer Rosalind W. Reid, Muni (File No. C45-048 BSK)

14. Hearing on Charges Filed Against Officer James Gaggero, Potrero Station (File No. C45-079 JWA)

15. Hearing on Charges Filed Against Officer Stuart S. Fong, Support Services (File No. C45-023 RLC)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

a.	James Ray Fenn v. CCSF	$ 8,500.00
b.	Yvonne Dotson v. CCSF, et al	$85,000.00

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MAY 3, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street for an Executive Session.

Attorney-Client Conference
Pending Litigation

a. James Ray Fenn v. CCSF
b. Yvonne Dotson v. CCSF, et al

PRESENT: Commissioner Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

MAY 3, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioner Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced that the Commission met in Executive Session regarding pending litigations and proposed settlements.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Friday. Approved 4-0.

RESOLUTION NO. 67-95

JAMES RAY FENN v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "James Ray Fenn v. CCSF" in Unlitigated Claim No. 94-00672, in the amount of $8,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 8, 1994

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

RESOLUTION NO. 68-95

YVONNE DOTSON v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Yvonne Dotson v. CCSF, et al" in USDC No. C94-077 in the amount of $85,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1993

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting on the 10th and the 24th. The next meeting will be May 17th. He also indicated that item No. 12, hearing on the matter of Officer Chester Banks will be put over to May 17th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed Operation Dream and indicated that he would make a presentation to members of the Special Operations Housing on May 17th. He then discussed the report from City Architect from Mr. Bill Lee, Chief Administrative Officer, regarding status of the stations upgrades; Park Station 65%; there is a significant delay in Taraval Station's rebuilding, will be completed between July and December; Potrero Station rebuilding currently out to bid and hopes for some movement by July 1st. He stated remodeling for Central Station a costs of increase and the city is looking to selling three pieces of police department's properties in which to get funds to remodel Central. He then discussed statistics and stated the first quarter stats for 1995 crime is down 26.8% and said that is due primarily to the responsibilities of ten district captains.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No report.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE ANTI-DRUG ABATEMENT ENFORCEMENT PROGRAM

Sergeant John Bisordi, Fiscal, made presentation. Motion by Commissioner Conroy, second by Commissioner Friday. Approved 3-0.

RESOLUTION NO. 69-95

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE ANTI-DRUG ABATEMENT ENFORCEMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply for, accept and expend funds from the California Office of Criminal Justice Planning (OCJP) to conduct the Anti-drug Abatement Enforcement Program.

AYES: Commissioners Conroy, Friday, Low
ABSTAIN: Commissioner Hewlett
ABSENT: Commissioner Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF PROPOSED LOAN AGREEMENT FOR RADIO EQUIPMENT BETWEEN THE U.S. DEPARTMENT OF DEFENSE AND THE SAN FRANCISCO POLICE DEPARTMENT

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 4-0.

RESOLUTION NO. 70-95

APPROVAL OF PROPOSED LOAN AGREEMENT FOR RADIO EQUIPMENT BETWEEN THE U.S. DEPARTMENT OF DEFENSE AND THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the UN 50 celebration in the City and County of San Francisco requires efficient and adequate police logistical and security support; and

WHEREAS, the United States Department of Defense has offered to lend radios and communication related equipment to the Police Department at no cost to the City; and

WHEREAS, the use of loaned equipment will enhance the Police Department's ability to perform its responsibilities for this international event; now therefore be it

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the attached resolution which authorizes the Chief of Police to execute a hold harmless agreement with the United States Department of Defense.

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

DISCUSSION AND ACTION RE: DOMESTIC VIOLENCE RESPONSE UNIT

Captain William Welch, Investigations, described the Domestic Violence Response Team. Lieutenant Sandy Tong discussed and presented the pilot program and staffing to the Commission.

Commissioner Hewlett commends the Chief, Deputy Chief Lau, Captain Welch and Lieutenant Tong for their work in the Response Team Unit. She also commends Rosario Navarrette and Sue Martin on the Commission of Status of Women for their input.

PUBLIC COMMENTS re: Domestic Violence Response Team

Patty Cheng, Commission on Status of Women thanked the Commission and the Chief for their efforts.

Sue Martin, Family Violence Prevention Program, commends the department and the Chief and the Commission for their support of the Domestic Violence Team and suggests two advocates be assigned.

Ken Theisen complements the department and supports the domestic violence team and suggest 20 total officers.

Teri Jackson, District Attorney's Office, commends the department for their efforts in domestic violence.

Inspector Dolly Cassaza support domestic violence response team and asked for funding from the emergency fund of the city.

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 4-0.

Commissioner Conroy then asked the Chief to report back to the Commission and advise when they can expect the domestic violence response team to be online.

RESOLUTION NO. 71-95

APPROVAL OF DOMESTIC VIOLENCE RESPONSE UNIT

WHEREAS, the San Francisco Police Department is committed to reducing the incidents of domestic violence in the homes of its citizens; and

WHEREAS, the Department is committed to continue to working closely with Community Based Organizations towards its mission to reduce incidents of domestic violence; therefore be it

RESOLVED, that the Police Commission hereby approves that the General Work Detail of the San Francisco Police Department shall create a Domestic Violence Response Unit.

AYES: Commissioner Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

PUBLIC COMMENTS

Virginia Conway discussed auto boosting which they had observed recently.

HEARING ON CHARGES FILED AGAINST OFFICER CHESTER H. BANKS, SUPPORT SERVICES (FILE NO. C34-241 RLC)

Put over to May 17th.

HEARING ON CHARGES FILED AGAINST OFFICER ROSALIND W. REID, MUNI

The hearing of Police Officer Rosalind W. Reid, Muni, was called it having been set for this date. Officer Reid was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Discourtesy (violation of Rule I.[a](14) of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 2

Use of Racial Slur (violation of rule I.[a](14) of General Order D-1 of the San Francisco Police Department;

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Rosalind Reid appeared in person and was represented by Mr. Robert Mueller, Attorney at Law.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 72-95

DECISION - HEARING OF POLICE OFFICER ROSALIND W. REID, MUNI

WHEREAS, on September 21, 1994, Anthony D. Ribera, Chief of Police, made and served charges against Police Officer Rosalind W. Reid as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Rosalind W. Reid, Star Number 1991 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Southern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 1, 1994, the accused had occasion to arrest an individual (hereinafter referred to as "the complainant");

(4) After arresting the complainant, the accused turned her over to two other officers for transport to Southern Station;

(5) The accused saw complainant at Southern Station and told her to "Shut the fuck up," a violation of Rule I.[a](14) of General Order D-1, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane or uncivil language ..."

SPECIFICATION NO. 2

(6) Paragraphs 1 through 4, inclusively, are realleged as written;

(7) While at Southern Station, the accused called the complainant a "white bitch" in violation of Rule I.[a](14) of General Order D-1, as quoted above;

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Friday, March 17, 1995 and on Wednesday, May 3, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Rosalind Reid, Muni, as contained in Specifications No. 1 and 2, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Rosalind W. Reid has not violated Specifications No. 1 and 2, violation of Rule I.[a](14) of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specifications No. 1 and 2, be, and the same are hereby dismissed.

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR)

HEARING OF POLICE OFFICER JAMES GAGGERO, POTRERO STATION

The hearing of Police Officer James Gaggero, Potrero Station, was called it having been set for this date. Officer Gaggero was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Use of official position to gain personal privileges (violation of Rule B-7 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Disrespectful reference to a superior officer (violation of Rule A-12 of General Order D-1 of the San Francisco Police Department);

ADDITIONAL SPECIFICATION NO. 4

Engaging in conduct which subverts the good order, efficiency or discipline of the department and brings discredit on the department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

ADDITIONAL SPECIFICATION NO. 5

Failure to report an urgent police matter in which he became involved (a violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer James A. Gaggero appeared in person and was represented by Mr. Robert Mueller, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Department moved to amend page 3 of the amended charges. Officer Gaggero, through Counsel, stipulated to the amendment and the motion was granted.

Two other motions were made and decided:

Officer Gaggero's motion to dismiss Specification No. 4 because of latches was renewed, argued and denied;

Officer Gaggero's motion to require that drafts of transcripts of evidentiary tapes be provided to him was denied.

Closing arguments were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission and found the allegations contained in Specifications No. 1 through 5 are true and sustained the charges.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It was the recommendation of the Chief of Police that Officer James Gaggero be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 73-95

DECISION - HEARING OF OFFICER JAMES A. GAGGERO, POTRERO STATION

WHEREAS, on January 24, 1995, Anthony Ribera, Chief of Police of the San Francisco Police Department, made and served amended charges against Police Officer James A. Gaggero, as follows:

SPECIFICATION NO. 1:

(1) At all times herein mentioned, JAMES A. GAGGERO, Star Number 926, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to the Potrero Station;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 3, 1994, the accused was off duty; at 0100 hours, he and eight of his friends attempted to enter the Mitchell Brothers Theater located at O'Farrell and Polk Streets, San Francisco, California; at said time and place the accused was intoxicated;

(4) After entering the lobby of the theater, the accused told the doorman that he desired to speak to the manager of the theater; when he was introduced to the manager, the accused exhibited his San Francisco Police Department star to the manager, informed the manager that he is a police officer and that he and his party would be admitted to the theater without paying; the manager refused to admit the parties to the theater without charge, but finally agreed to permit the party to enter the theater for a reduced rate of $50.00;

(5) The accused and his friends became loud and boisterous; before one of the group could pay the reduced $50.00 entry fee at the ticket booth, the manager informed the accused that he would not admit the accused and his party to the theater and he asked the accused and his party to immediately leave the premises; ~~during the confrontation two employees heard the accused and a person he identified as his bodyguard, make threats to use a gun to shoot someone~~; an Assistant Patrol Special Officer was summoned to the Mitchell Brothers Theater by the theater personnel, to assist in resolving the situation with the accused and his party;

(6) The accused by demanding that he and his friends be admitted to the Mitchell Brothers Theater without charge because he is a San Francisco Police Department officer has engaged in conduct which violates Rule B-7 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not use or attempt to use their official positions for securing personal privileges beyond what is authorized by law, or for avoiding the consequences of illegal conduct."

SPECIFICATION NO. 2:

(7) Paragraphs (1) through (5) of Specification No. 1 hereinabove are incorporated in this paragraph by reference and realleged as though set forth in full;

(8) On July 3, 1994, at 0100 hours, an off duty San Francisco Police Department Sergeant assigned to the Northern Police District, had left the Great American Music Hall; the Sergeant and the two officers with him stopped to visit a friend at the Mitchell Brothers Theater ~~and was passing the intersection of O'Farrell and Polk Streets on the way to his car~~; theater employees recognized the Sergeant from the Northern District, saw him ~~near~~ in the theater and requested that the Sergeant come to the ~~theater~~ lobby to help resolve what was becoming an ugly situation;

(9) The sergeant entered the theater lobby, introduced himself to the accused and requested identification from the accused; the accused refused to identify himself and stated that he did not, "give a fuck" who the sergeant was; the sergeant asked the accused to leave the theater and the accused responded "get fucked, you can't tell me what to do. I'll kick your ass.";

(10) Eventually, members of the group with the accused, dragged him away from the theater and the incident abated;

(12) The accused by threatening the sergeant who was trying to abate an ugly situation engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3:

(13) Paragraphs (1) through (6) of Specification No. 1 hereinabove are incorporated in this paragraph by reference and realleged as though set forth in full;

(14) During the course of the confrontation and discussions at the Mitchell Brothers theater, the accused threatened the Sergeant who had been called to the theater by theater employees, by stating that the next day "Uncle Tony", meaning the Chief of Police, would have the Sergeant on the carpet for interfering with the accused at the Mitchell Brothers Theater; the accused is not related to the Chief of Police even though he referred to the Chief of Police as "Uncle Tony";

(15) The accused by threatening the Sergeant who was trying to defuse a situation the accused had started, with retribution from the Chief of Police who he referred to in a derogatory fashion as "Uncle Tony", engaged in conduct which constitutes a violation of Rule A-12 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, at all times, address senior officers by title of rank."

ADDITIONAL SPECIFICATION NO. 4:

(16) Paragraphs (1) through (2) of Specification No. 1 hereinabove are incorporated in this paragraph by reference and realleged as though set forth in full;

(17) During December 1994, in the course of investigating an incident involving the accused, it came to the attention of the Management Control Division Investigator that on June 20, 1991, the accused had threatened three young men with a handgun on a public street in San Mateo, California;

(18) On June 20, 1991, at 2255 hours, three young men parked on a street near the entrance to a public park which is also across the street from the accused's residence in the City of San Mateo, California;

(19) The juveniles were making some noise and the accused left his residence with a flashlight and armed with a hand gun; the accused ordered the juveniles to leave and when they did not immediately leave, the accused pointed his handgun at the head of one of the young men from close range and threatened him;

(20) The juveniles left the area and drove directly to a nearby shopping center, called for police assistance and reported the accused's actions to

San Mateo Police officers; The accused identified himself to the San Mateo Police officers as a member of the San Francisco Police Department and admitted that he intimidated the juveniles, but denied that he had used a handgun;

(21) The accused by brandishing a handgun at the juveniles engaged in conduct which violates California Penal Code section 417:

"(a)(2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months...."

(22) The accused by engaging in conduct which constitutes a violation California Penal Code section 417, violated Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

ADDITIONAL SPECIFICATION NO. 5:

(23) Paragraphs (1) through (2) of Specification No. 1 and paragraphs (17) through (21) of Specification No. 4 hereinabove, are incorporated in this paragraph by reference and realleged as though set forth in full;

(24) The accused did not inform his commanding officer of the threats he made to the juveniles or the investigation by the San Mateo Police department;

(25) The accused by not informing his commanding officer of his involvement in the June 20, 1991, incident with the juveniles violated Rule A-26A of the San Francisco Police Department which states:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 1, 1995 and on Wednesday, May 3, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1 through 5, as preferred by Chief of Police Anthony D. Ribera against Officer James A. Gaggero are true and are sustained; and the Commission adopts the sustained specifications as its findings in this matter; and therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and

County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Termination

SPECIFICATION NO. 2

Sustain - Termination

SPECIFICATION NO. 3

Sustain - Termination

SPECIFICATION NO. 4

Sustain - Termination

SPECIFICATION NO. 5

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

Recesses taken during the hearing of Officer James A. Gaggero:

8:30 p.m. - 9:00 p.m.
9:10 p.m. - 9:15 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STUART S. FONG, SUPPORT SERVICES DIVISION

The hearing of Police Officer Stuart S. Fong, Support Services Division, was called it having been set for this date. Officer Fong was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Termination

SPECIFICATION NO. 2

Sustain - Termination

SPECIFICATION NO. 3

Sustain - Termination

SPECIFICATION NO. 4

Sustain - Termination

SPECIFICATION NO. 5

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

Recesses taken during the hearing of Officer James A. Gaggero:

8:30 p.m. - 9:00 p.m.
9:10 p.m. - 9:15 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STUART S. FONG, SUPPORT SERVICES DIVISION

The hearing of Police Officer Stuart S. Fong, Support Services Division, was called it having been set for this date. Officer Fong was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions propounded by a superior officer truthfully (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Making significant false statements on an application for employment with the City of San Francisco (violation of San Francisco Civil Service Appendix Rule 8, Section 8.076);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Stuart S. Fong appeared in person and was represented by Mr. Robert Noel, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing arguments were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission and found the allegations contained in Specifications No. 1 and 5 not sustained and Specifications No. 2, 3 and 4 to be sustained.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It was the recommendation of the Chief of Police that Officer Stuart S. Fong be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 74-95

DECISION - HEARING OF OFFICER STUART S. FONG, SUPPORT SERVICES DIVISION

WHEREAS, on January 23, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served amended charges against Police Officer Stuart S. Fong, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Stuart S. Fong, #1138, herein after referred to as "the accused", was a lateral entry applicant for the position of Q-2 Police Officer with the San Francisco Police Department. The accused is presently a probationary San Francisco Police Officer;

(2) Prior to employment with the San Francisco Police Department, the accused was employed as a police officer by the City of Millbrae, California:

(3) While employed as a Millbrae police officer, the accused became a subject of an investigation by the Millbrae Police Department, which concerned

allegations of misconduct on the part of the accused. The basis of the investigation was an allegation that the accused, while on duty, after transporting a female citizen to her home, engaged in an act of sexual nature with the victim. The sexual act included the accused ejaculating on the victim's cheek and body;

(4) Thereafter, the accused entered into an agreement with the City of Millbrae whereby in exchange for the accused's resignation, the City of Millbrae's record of any investigation of the accused's conduct would be sealed, and kept confidential. Pursuant to this agreement, the accused began a leave of absence from the Millbrae Police Department on March 1, 1994, and resigned from their employ effective June 30, 1994;

(5) In connection with the accused seeking employment with the San Francisco Police Department, the accused submitted an employment application dated February 16, 1994;

(6) The employment application, which was signed by the accused, contained the following language:

CERTIFICATION OF APPLICANT

"I HEREBY CERTIFY THAT ALL STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE."

(7) The accused, in his response to an employment application question relating to his past internal affairs history, provided the following information:

"01/94 Allegation of Misconduct (by a prostitute), unfounded at this time."

(8) The accused's response to the application question relating to his past internal affairs history was not a true, and/or complete statement. In fact, on February 16, 1994, the allegation of misconduct against the accused was still the subject of an on-going investigation, and was not, as the accused stated, "UNFOUNDED";

(9) The accused, by making a false statement in his lateral entry employment application, has engaged in conduct which violates San Francisco Municipal Police Code, Section 452, which states:

"SEC. 452: FRAUDULENT MISREPRESENTATIONS WHEN TAKING CIVIL SERVICE EXAMINATIONS UNLAWFUL:

It shall be unlawful for any person to impersonate another person, or permit or aid in any manner any other person to impersonate him in connection with any civil service examination conducted by the San Francisco Civil Service Commission, or in connection with any application for employment in the San Francisco municipal service; OR TO WILFULLY AND KNOWINGLY MAKE ANY FALSE, INCOMPLETE OR INCORRECT STATEMENT OF MATERIAL FACT IN, OR IN CONNECTION WITH, ANY APPLICATION TO PARTICIPATE IN A CIVIL SERVICE EXAMINATION FOR APPOINTMENT IN THE SAN FRANCISCO MUNICIPAL SERVICE and, upon conviction thereof, such person shall be punishable by a fine of not more than $500, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment."

(10) The accused, by making a false statement on his lateral entry employment application, has engaged in conduct of a criminal nature as defined by

Municipal Police Code Section 452, and which also violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(11) Each and every allegation contained in paragraph (1) through (4) inclusive, of Specification No. 1 are incorporated herein by this reference and are re-alleged as though set forth in full;

(12) In further pursuit of employment with the San Francisco Police Department, the accused completed and submitted a Form Personal History Statement dated March 15, 1994. Said personal history statement, which was signed by the accused, contained the following statement directly above the accused's signature:

"I HEREBY CERTIFY THAT ALL STATEMENTS MADE IN THIS PERSONAL HISTORY STATEMENT ARE TRUE AND COMPLETE, AND UNDERSTAND THAT ANY MISSTATEMENTS OF MATERIAL FACT WILL SUBJECT ME TO DISQUALIFICATION OR DISMISSAL."

(13) Question 18 of the Personal History Statement posed the following to the accused:

"18. HAVE YOU EVER HAD ANY EXTENDED WORK ABSENCES FOR REASONS OTHER THAN EARNED VACATIONS? IF YES, PLEASE EXPLAIN (INCLUDE WHEN, NAME OF EMPLOYER, AND WHY)."

The accused answered question 18 by checking "Yes", and provided the following explanation:

"APRIL, 1991: CITY OF MILLBRAE, DISABILITY FOR TWO WEEKS DUE TO INJURY THAT I RECEIVED WHILE ATTEMPTING TO TAKE A SUBJECT INTO CUSTODY."

(14) The accused's response to question 18 was not a true and/or complete response to the question presented. In fact, the accused was on an extended leave of absence relative to his negotiated resignation from his position as a Millbrae police officer at the time he signed his Form Personal History Statement;

(15) Question 19 of the Personal History Statement posed the following to the accused:

."19. HAVE YOU EVER BEEN FIRED OR ASKED TO RESIGN FROM ANY PLACE OF EMPLOYMENT? IF YES, PLEASE GIVE DETAILS (INCLUDE WHEN, WHERE, CIRCUMSTANCES)."

(16) The accused's response to question 19 was not a true and/or complete response to the question presented to him. In fact, the accused's resignation from the Millbrae Police Department was obtained by use of threats, including, the threat of criminal action against the accused;

(17) The accused, by providing untrue and/or incomplete responses on his Form Personal History Statement given in connection with his seeking employment as a San Francisco police officer, has engaged in conduct which violates Section 452 of the Municipal Police Code, which states:

"SEC. 452. FRAUDULENT MISREPRESENTATIONS WHEN TAKING CIVIL SERVICE EXAMINATIONS UNLAWFUL:

It shall be unlawful for any person to impersonate another person, or permit or aid in any manner any other person to impersonate him in connection with any civil service examination conducted by the San Francisco Civil Service Commission, or in connection with any application for employment in the San Francisco municipal service; OR TO WILFULLY AND KNOWINGLY MAKE ANY FALSE, INCOMPLETE OR INCORRECT STATEMENT OF MATERIAL FACT IN, OR IN CONNECTION WITH, ANY APPLICATION TO PARTICIPATE IN A CIVIL SERVICE EXAMINATION FOR APPOINTMENT IN THE SAN FRANCISCO MUNICIPAL SERVICE and, upon conviction thereof, such person shall be punishable by a fine of not more than $500, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment."

(18) The accused, by providing, inaccurate and/or incomplete responses on his personal history statement submitted in connection with his application for employment with the City and County of San Francisco, has engaged in conduct of a criminal nature defined by the Municipal Police Code Section 452, and which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

(19) Each and every allegation contained in paragraphs (1) through (4) inclusive of Specification No. 1 above are incorporated herein by this reference and are re-alleged as though set forth in full;

(20) On or about March 20, 1994, the accused was summoned to the Management Control Division relative to M.C.D. Case #A 289-93/94. After being advised of his procedural rights and the obligation to answer truthfully and without evasion, the accused was interviewed by two superior officers;

(21) During the course of the interview, the accused was asked whether his resignation from the Millbrae Police Department was in any way connected with the internal investigation or disciplinary action which concerned conduct of the accused. The accused initially denied that his resignation was related to any investigation or disciplinary action;

(22) The true facts are that the accused resigned from his position from the City of Millbrae in consideration of the City of Millbrae sealing and keeping confidential any investigation concerning the accused's conduct;

(23) Further, during the course of the interview, the accused was questioned as to the reasons for his leave of absence from his position as a Millbrae

Police Officer. The accused responded by giving numerous reasons for his leave of absence, none of which related to an internal investigation, the negotiation with the City of Millbrae, or a complaint of misconduct;

(24) The true facts are that the accused's leave of absence from the Millbrae Police Department was related to an internal investigation concerning allegation of sexual misconduct;

(25) The accused, by failing to answer truthfully and without evasion when questioned during a Management Control interview regarding his employment history and facts concerning allegations of misconduct by his previous employer, has engaged in conduct which constitutes a violation of Rule 21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 4

(26) At all times herein mentioned, the accused was a probationary police officer employed by the San Francisco Police Department. The accused is presently assigned to the Support Services Bureau:

(27) On or about May 27, 1994, while assigned to the Police Academy, the accused was presented with an official department document which contained the following language:

"Statement - I have not participated in any activity that would tend to bring discredit to the San Francisco Police Department or to the Law Enforcement Agency in which I was previously employed."

"If you cannot in good conscience say the above statement is true, explain in the space provided above. Otherwise write "true".

"Certification - I certify under penalty of perjury that the above is true and correct and that during the application process for Q-2 officer up to the present time I have not withheld any information nor have not responded untruthfully and evasively to any question or request any information in speech or in writing."

(28) The accused certified as true the statement referred to in paragraph (27) above by signing his name immediately below said certification;

(29) The accused, by certifying under Penalty of Perjury that he had not participated in any activity that would tend to bring discredit to the San Francisco Police Department or to the Law Enforcement Agency at which he was previously employed, when in fact he had engaged in an act of a sexual nature while on duty during his tenure as a Millbrae police officer and had not been truthful relative to questions presented to him concerning his background, has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such

offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 5

(30) Each and every allegation contained in Paragraph (1) through (4) inclusive, of Specification No. 1 are incorporated herein by this reference and are re-alleged as though set forth in full;

(31) The accused, by providing answers and responses on his lateral entry employment application, and also on his Personal History Statement, which are incomplete, inaccurate, and/or untrue, has engaged in conduct which is a violation of San Francisco Civil Service Appendix Rule 8, Section 8.06., which states:

"FALSE STATEMENT BY APPLICANTS - Significant false statement whether intentional or unintentional made or permitted by any applicant on the application or in the qualification appraisal interview shall be good cause for exclusion by the commission of such person from any examination, the removal of the applicant's name from the eligibility list and may be good cause for removal of just charge from the City and County service."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, February 7, 1995 and on Wednesday, May 3, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and 5 not sustained and Specifications No. 2, 3, and 4, as preferred by Chief of Police Anthony D. Ribera against Officer Stuart S. Fong are true and are sustained; and the Commission adopts the sustained specifications as its findings in this matter; and therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Not sustain

SPECIFICATION NO. 2

Sustain - Termination

SPECIFICATION NO. 3

Sustain - Termination

SPECIFICATION NO. 4

Sustain - Termination

SPECIFICATION NO. 5

Not sustain

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

If this decision is subject to review under Code of Civil Procedure section 1094.5 then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

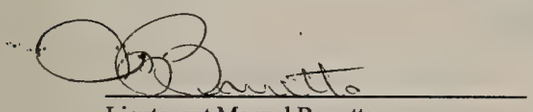
AYES: Commissioners Conroy, Friday, Hewlett, Low
ABSENT: Commissioner Rodriguez

Recesses taken during the hearing of Officer Stuart S. Fong:

8:30 p.m. - 9:00 p.m.
9:10 p.m. - 9:15 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 9:25 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commmmissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 17, 1995

CLOSED SESSION

5:15 p.m.

Attorney-Client Conference
Pending Litigation

a. Robert Milici v. CCSF
Unlitigated Claim #94-00673

b. Jawj Greenwald v. CCSF
Municipal Court No. 105-299

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The Police Commission

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President

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 17, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation from the Secret Service to the San Francisco Police Department
9. Presentation of OCC 1995 First Quarter Report
10. Presentation and Action re: OCC Mediation Plan & Proposed Rules
11. Discussion and Action re: Proposed General Order on "Interagency Operations"

The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS continued:

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

13. Hearing on Charges Filed Against Officer Chester H. Banks, Support Services (File No. C34-241 RLC)

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

a.	Robert Milici v. CCSF	$17,000.00
b.	Jawj Greenwald v. CCSF	$ 6,624.57

2. Request of the Chief of Police for Approval to Accept Donation Totalling $590.00 for the Use of the Richmond Station Bike Patrol

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Minutes

MAY 17, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:15 p.m. to 5:50 p.m., for an Executive Session.

Attorney-Client Conference

a. Robert Milici v. CCSF
b. Jawj Greenwald v. CCSF

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

MAY 17, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:55 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

No vote.

APPROVAL OF CONSENT CALENDAR

Commissioner Low indicated the Commission met in Executive Session regarding two items on the Consent Calendar.

Motion by Commissioner Hewlett, second by Commissioner Conroy. Consent Calendar approved 5-0.

RESOLUTION NO. 75-95

ROBERT MILICI v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the unlitigated claim of "Robert Milici v. CCSF" in unlitigated claim no. 94-00673 in the amount of $17,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 26, 1994

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 76-95

JAWJ GREENWALD v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Jawj Greenwald v. CCSF" in Municipal Court No. 105-299 in the amount of $6,624.57 for damages sustained, be, and the same is hereby approved.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

a. Motion on Calendaring of New Items

Commissioner Low announced no meeting on May 24th. Next meeting would be May 31st.

Commissioner Hewlett made a motion under the "Need Arose" to put on the calendar, pursuant to Section 7.7(e)(2) of the Sunshine Ordinance an appropriation regarding the funds for the UN50 planning. After discussion, matter approved 5-0.

RESOLUTION NO. 78-95

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $866,833 TO FUND VARIOUS ANTICIPATED POLICE DEPARTMENT COSTS RELATED TO THE "UN 50 ANNIVERSARY CELEBRATION"

WHEREAS, the City and County of San Francisco will be the site for the" UN 50 Anniversary Celebration;" and

WHEREAS, the Celebration will be held during the month of June, 1995; and

WHEREAS, the Police Department anticipates approximately $866,883 in costs related to the Celebration; be it therefore

RESOLVED, that the Police Commission approves a supplemental appropriation in the amount of $866,883 to fund Police Department costs related to the "UN 50 Anniversary Celebration."

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Commissioner Hewlett thanked Chief Ribera and the members of the Housing Task Force for their efforts in Operation Dream in which the officers assisted over 3,000 children in the housing project area.

Chief Ribera then presented an award to Commander Holder and members of the Housing Task Force and indicated that officers were also taking the children to the Donner area on a trip.

Deputy Chief Philpott then reported on the staffing levels of Gang Task Force. He gave an overview of the type of cases investigated by the GTF. He stated that city gangs are active and they're looking at all these activities.

Chief Ribera then discussed recent newspaper articles regarding misconduct and stated that newspaper articles regarding allegations of misconduct by officers in Northbeach and he indicated that the department has worked with outside agencies for the last 14 months and that the allegations of misconduct is great concern for him and that so far there has been nothing substantial indicating any officers involved. He also discussed the security of buildings in San Francisco and that the police department has put on a seminar with other agencies' head which will take place June 14th at the Saint Francis Hotel which will be put on by Deputy Chief Petrini. He also indicated that the monthly traffic enforcement continues and April enforcement was conducted in Southern District in which numerous citations were written for moving violations, 359 narcotic arrests, 254 felony arrests, 261 parole violations and 1400 others were cited. He then discussed monthly statistics.

Commissioner Hewlett then stated of recognizing the Captains and commends them for their efforts in reducing crime in respective districts.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker indicated that the investigation was concluded regarding the Belinda Johnson case and is forwarding that information to the Chief. He also indicated they were completing some policy recommendations and will be forwarding them to the Commission soon.

PRESENTATION FROM THE SECRET SERVICE TO THE SAN FRANCISCO POLICE DEPARTMENT

Gene Thompson, Assistant Chief Secret Service, presented to Captain Gleeson, Traffic Division, a plaque for their efforts in recent motorcades.

Commissioner Hewlett thank and commended the Secret Service and motorcycle officers of the department for their efforts in recent motorcades.

PRESENTATION OF OCC 1995 FIRST QUARTER REPORT

Acting Director John Parker presented the OCC first quarter report.

PRESENTATION AND ACTION RE: OCC MEDIATION PLAN AND PROPOSED RULES

Bruce Kapsack presented policy and stated that if mediation plan and proposed rules are adopted, they should be operational by mid June.

Commissioner Low discussed possible neutral site for these mediations and Chief Ribera supporting that plan.

Commissioner Conroy expressed concerns regarding representation if the plan was approved and asked for regular reports to the Commission on the status.

Motion by Commissioner Hewlett, second by Commissioner Conroy. Mediation Plan and Proposed Rules approved 5-0.

RESOLUTION NO. 79-95

APPROVAL OF OCC MEDIATION PLAN AND PROPOSED RULES

RESOLVED, that the Police Commission hereby approves the OCC Mediation Plan and Proposed Rules.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: PROPOSED GENERAL ORDER ON "INTERAGENCY OPERATIONS"

Motion by Commissioner Hewlett, second by Commissioner Conroy to amend and approve. Matter approved 5-0 as amended.

RESOLUTION NO. 80-95

APPROVAL OF PROPOSED GENERAL ORDER ON "INTERAGENCY OPERATIONS"

RESOLVED, that the Police Commission hereby approves proposed General Order on "Interagency Operations."

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olesen discussed gang activity.

Louise Vaughn discussed complaints against OCC.

Commissioner Hewlett talked of disciplinary charges filed against Marshall Wong and indicated that she entertained a motion to dismiss and that that motion was granted at a hearing earlier this afternoon.

HEARING OF POLICE OFFICER CHESTER H. BANKS, SUPPORT SERVICES DIVISION

The hearing of Police Officer Chester H. Banks, Support Services Division, was called it having been set for this date. Officer Banks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San

Francisco Police Department.

Officer Chester H. Banks appeared in person and was represented by Mr. Robert Mueller, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Mueller entered a plea of no contest on behalf of Officer Banks. Officer Banks personally affirmed entry of a no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Banks be terminated and that said termination be held in abeyance for three years; thirty (30) day suspension and to continue and successfully complete Domestic Violence Program which is to be monitored by the Commanding Officer of the Personnel Division.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 81-95

DECISION - HEARING OF OFFICER CHESTER H. BANKS, SUPPORT SERVICES DIVISION

WHEREAS, on March 16, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Chester H. Banks, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Chester H. Banks, Star Number 461, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Potrero Station. The accused is presently assigned to the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) At all times herein mentioned, the accused and his spouse, Audrey Banks (hereinafter referred to as "the victim"), resided together at their family home in Oakland, California;

(4) On May 13, 1994, at approximately 4:30 p.m., while at their home, the accused and the victim became involved in a verbal altercation, during the course of which, the victim slapped the accused across the face;

(5) On May 13, 1994, at approximately 4:50 p.m., the victim departed from the family home. The victim returned home at approximately 7:50 p.m. and found that the accused was not home;

(6) On May 13, 1994, at approximately 8:00 p.m., the accused returned home, and encountered the victim in or near the bathroom therein;

(7) On May 13, 1994, at approximately 8:00 p.m., the accused grabbed the victim by the shoulders and, after pushing open the bathroom door which the victim had attempted to shut, struck the victim in the face one or more times with his fist;

(8) As a result of being struck in the face by the accused, the victim suffered injuries to her face, including a laceration above her right eye;

(9) The accused, by pushing the bathroom door against the victim, grabbing the victim by the shoulders and also striking her in the face with his fist one or more times, has engaged in conduct which constitutes an "infliction of injury on a spouse" as defined in Penal Code Section 273.5, which states:

"273.5. (a) Any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabiting, or any person who willfully inflicts upon any person who is the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for 2, 3 or 4 years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars ($6,000) or by both.

(c) As used in this section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury whether of a minor or serious nature, caused by a physical force."

(10) The accused, by pushing the bathroom door against the victim, grabbing the victim, grabbing the victim by the shoulders and also striking her in the face with his first one or more times, has engaged in conduct which constitutes an assault and battery as defined in Penal Code Sections 240 and 242, which states:

"Section 240. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another."

"Section 242. A battery is any willful and unlawful use of force or violence upon the person of another."

(11) The accused's actions, by pushing the bathroom door against the victim, grabbing the victim by the shoulders and also striking the victim in the face with his fist one or more times, has engaged in conduct of a criminal nature as defined in Penal Code Sections 240, 242 and 273.5, violated Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 17, 1995 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Chester H. Banks' plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Anthony D. Ribera are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Termination held in abeyance for three (3) years on the following terms:

Thirty (30) day suspension and that Officer Banks, presently enrolled in a 32 week
Domestic Violence Program, successfully complete said program. Successful completion of the program shall be monitored by the Commanding Officer of the Personnel Division who shall forward status reports to the Police Commission. He shall enter and cooperate with any other Domestic Program recommended and ordered by the Commanding Officer of the Personnel Division. Any other violation of Domestic Violence brought before the Commission can and will be basis for termination.

FURTHER RESOLVED, that said thirty (30) day suspension shall commence at 0001 hours on Saturday, June 3, 1995 and shall terminate at 2400 hours on Sunday, July 2, 1995.

If this decision is subject to review under Code of Civil Procedure Section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, Section 1094.6.

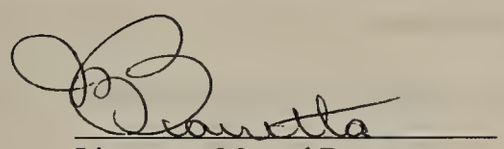
AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

Recess taken during the hearing of Officer Banks:

7:45 p.m. to 8:00 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, Hendershied & Associates)

Thereafter, the meeting was adjourned at 8:05 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commmmissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, MAY 31, 1995

REGULAR MEETING

ROOM 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Police Commission Report
   a. Motion on Calendaring of New Items

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Police Officer Robert Velarde, Northern Station (File No. C45-134 BSK)

5. Chief's Report to the Police Commission

6. OCC Director's Report to the Police Commission

7. Presentation of OCC Statistical Report, April 1994

8. Update by OCC re: OCC Mediation Plan & Proposed Rules

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9. Discussion and Action re: Revised General Order 9.06, "Vehicle Tows"

10. Request of the Chief of Police for Appointment of a Hearing Officer for Public Convenience and Necessity Hearings for Taxicabs

11. Police Commission Discussion and Consideration for Adopting or Rejecting the PC&N Hearing Officer's Findings of Fact for the Public Convenience and Necessity Taxicab Permits

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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Minutes

MAY 31, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

POLICE COMMISSION REPORT

Commissioner Low stated there will be no meeting June 7th, next meeting will be June 14th and that the Commission will be conducting OCC Director's interviews June 5th.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE OFFICER ROBERT VELARDE, NORTHERN STATION (FILE NO. C45-134 BSK)

Kathy Mahoney for Officer Velarde, Bruce Kapsack for the OCC. Assigned to Commissioner Conroy.

RESOLUTION NO. 83-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER ROBERT VELARDE, NORTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Robert Velarde, Northern Station, was called it having been set for this date; and

WHEREAS, Commissioner Annemarie Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Velarde; therefore be it

RESOLVED, that Commissioner Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Robert Velarde and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera indicated that members of the 179th recruit class will be assigned to the field on June 17th and due to the number of classes in the Academy, there's not enough resources to handle that at one time. He indicated that personnel would be detailed to assist temporarily to various units within the department: 8 to Muni Transit; 5 to Teleserve and 30 to the district stations. He will report back to the Commission on the progress of the recruits.

Commissioner Low inquired regarding the other classes and training and Chief Ribera stated that he would report back monthly to the Commission regarding status of academy classes.

The Chief also discussed the enforcement program in the southeast in response to homicides in the area. Deputy Chief Lau has put together an investigative task force to look into the problems.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director John Parker stated no report.

PRESENTATION OF OCC STATISTICAL REPORT, APRIL 1995

John Parker, Acting Director OCC, presented April statistical report.

UPDATE BY OCC RE: OCC MEDIATION PLAN AND PROPOSED RULES

Bruce Kapsack discussed a conference regarding the mediation talks and request of copies of domestic violence general order and policy. He also indicated the Bar Association is to advertise for mediators and that the program will possibly begin July 4th. He also discussed training and selection of mediators.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 9.06, "VEHICLE TOWS"

Officer Robert Mattox presented the Vehicle Tow General Order. Motion by Commissioner Rodriguez, second by Commissioner Conroy. Matter approved 4-0.

RESOLUTION NO. 84-95

APPROVAL OF REVISED GENERAL ORDER 9.06, "VEHICLE TOWS"

RESOLVED, that the Police Commission hereby approves revised General Order 9.06, "Vehicle Tows."

AYES: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

REQUEST OF THE CHIEF OF POLICE FOR APPOINTMENT OF A HEARING OFFICER FOR PUBLIC CONVENIENCE AND NECESSITY HEARINGS FOR TAXICABS

The Chief commended and thanked Captain Yalon for his efforts last year as the hearing officer for the PC&N hearings and requested that Captain Maron, Support Services, be the hearing officer for this year's PC&N hearing.

Motion by Commissioner Friday, second by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 85-95

APPOINTMENT OF A HEARING OFFICER FOR PUBLIC CONVENIENCE AND NECESSITY HEARINGS FOR TAXICABS

WHEREAS, the appointment of a Hearing Officer for Public Convenience and Necessity Hearings was called, it being requested by the Chief of Police; and

WHEREAS, Captain David Maron was appointed by the Chief of Police as Hearing Officer; therefore be it

RESOLVED, that the Police Commission unanimously approves the appointment of Captain David Maron as Hearing Officer for the Public Convenience and Necessity Hearings.

AYES: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

POLICE COMMISSION DISCUSSION AND CONSIDERATION FOR ADOPTING OR REJECTING THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

Captain Yalon then addressed the Commission regarding PC&N hearings and indicated five hearings were held and that no applicants approached for more permits. After presentation, motion by Commissioner Rodriguez, second by Commissioner Conroy. Approved 4-0.

RESOLUTION NO. 86-95

ADOPTION OF THE PC&N HEARING OFFICER'S FINDINGS OF FACT FOR THE PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS

RESOLVED, that the Police Commission hereby adopts the PC&N Hearing Officer's findings of fact for the Public Convenience and Necessity Taxicab Permits.

AYES: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

PUBLIC COMMENTS

No public comments.

Thereafter, the meeting was adjourned at 6:20 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
MONDAY, JUNE 5, 1995

SPECIAL MEETING

CLOSED SESSION

ROOM 505
4:00 P.M.

Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/INTERVIEWS
Director of the Office of Citizen Complaints

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PLEASE NOTE: There will be *no* Police Commission Regular Meeting on Wednesday, June 7, 1995. The next Police Commission Meeting will be on Wednesday, June 14, 1995, in the Mission District, at the San Francisco General Hospital Carr Auditorium.

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JUNE 5, 1995 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, at 4:00 p.m., for a Closed Session.

Government Code Section 54957

PUBLIC EMPLOYEE APPOINTMENT/INTERVIEWS
Director of the Office of Citizen Complaints

Present: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

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WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 14, 1995

CLOSED SESSION

Mission District
San Francisco General Hospital
Carr Auditorium
22nd Street & San Bruno Avenue

4:00 p.m.

1. Government Code Section 54957

   PUBLIC EMPLOYEE APPOINTMENT/HIRING
   Director of Office of Citizen Complaints

2. Government Code Section 54956.9(b)(1)

   CONFERENCE WITH COUNSEL
   Anticipated Litigation:
   __X__ As defendant _____ As plaintiff
   Potential Litigation in the Matter of Aaron Williams

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

ANTHONY P. RODRIGUEZ
Commmmissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 14, 1995

REGULAR MEETING

Mission District
San Francisco General Hospital
Carr Auditorium
22nd Street & San Bruno Avenue

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Items
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Police Officer Steven L. Hutzler, Academy (File No. C45-270 JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence o Charges Filed Against Police Officer Rebecca Renteria, Ingleside Station (File No. C45-273 RLC)
8. Chief's Report to the Police Commission
9. OCC Director's Report to the Police Commission
10. Discussion re: Service of "Community Board Program"
11. Captain Joaquin Santos, Commanding Officer Mission Station, to Address the Commission regarding Activities in the Mission District

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 14, 1995

12. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

13. Hearing on Charges Filed Against Patrol Special Officer Gilbert Andrus, Central Station (File Nos. C23-148 & C34-017 JWA)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent fund for the Months of April and May, 1995.

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JUNE 14, 1995 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in the Mission District, at the San Francisco General Hospital Carr Auditorium, 22nd Street and San Bruno Avenue, at 4:20 p.m., for an Executive Session.

a. Government Code Section 54957
PUBLIC EMPLOYEE APPOINTMENT/HIRING
Director of Office of Citizen Complaints

b. Government Code Section 54956.9(b)
CONFERENCE WITH COUNSEL
Anticipated Litigation:
__x__ As defendant ____ As plaintiff
Potential Litigation in the Matter of Aaron Williams

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

JUNE 14, 1995 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the Mission District, at the San Francisco General Hospital Carr Auditorium, 22nd Street and San Bruno Avenue, at 6:35 p.m. in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 87-95

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF APRIL AND MAY, 1995

RESOLVED, that the Police Commission hereby approves the report of expenditures from the Chief's Contingent Fund for the months of April and May, 1995.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low greeted the audience and introduced the command staff. He announced that the OCC Director applicant have been reduced in number and that the Commission would possibly be making the selection, hopefully, in the next week regarding a permanent director. He also indicated that they met with medical examiner Boyd Stevens regarding pending litigation in the Aaron Williams matter. He also read a letter which was received from the Mayor asking the Commission to review the department's policies regarding use of pepper spray, training, dissemination of department bulletins and general orders and also screening and hiring of new recruits and lateral hires. Commissioner Low stated the Commission has already begun to review the recommendations of the Mayor. Commissioner Low also indicated that the next Commission meeting would be June 21st at the Hall of Justice.

CHIEF'S REPORT TO THE POLICE COMMISSION

Called out of order.

Chief Ribera indicated that after consultation with the Commission, the

179th recruit class will be detailed out as follows: 6 officers, already POST certified, will go to street patrol and assist; 20 officers to district stations and administrative duties; 6 to teleserve and 11 to the Administration Bureau.

RESOLUTION NO. 88-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER STEVEN L. HUTZLER, ACADEMY (FILE NO. C45-270 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Steven L. Hutzler, Academy, was called it having been set for this date; and

WHEREAS, Commissioner Annemarie Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Hutzler; therefore be it

RESOLVED, that Commissioner Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven L. Hutzler and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 89-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER REBECCA RENTERIA, INGLESIDE STATION (FILE NO. C45-273 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Rebecca Renteria, Ingleside Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Renteria; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Rebecca Renteria and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

HEARING ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER GILBERT ANDRUS, CENTRAL STATION (FILE NOS. C23-148 & C34-017 JWA)

Taken out of order.

Put over to June 21st.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker described the office duties and procedures of the Office of Citizen Complaints and stated that the OCC has opened an investigation regarding Aaron Williams' matter at the direction of the Commission and is working with the department regarding this case.

DISCUSSION RE: SERVICE OF "COMMUNITY BOARD PROGRAM"

Mr. Terry Ansler described the Community Board Program Mediation and Dispute Resolutions. He also recognized the efforts of Mission Station.

Commissioner Low stated that he hoped the program can work with OCC and asked Mr. Ansler to help identify programs that would help the department.

CAPTAIN JOAQUIN SANTOS, COMMANDING OFFICER MISSION STATION, TO ADDRESS THE COMMISSION REGARDING ACTIVITIES IN THE MISSION DISTRICT

Captain Santos, Mission Station, described the ongoing activities at the Mission Station; present staffing and community programs.

PUBLIC COMMENTS

John Crew, ACLU, discussed concerns regarding problems prior to the meeting and indicated possible violations of Brown Act and discussed persons not allowed into the meeting and suggested that the meeting be open to the public.

Maggie Olesen discussed allowing people to speak first and regular business later. She also discussed the in-custody deaths.

Pat Howard, resident Mission District, complained regarding problems being admitted to the meeting. Also discussed traffic problems.

Unidentified, asked for more narcotic officers in the Mission , discussed the homeless problems and praises officers at the Mission.

Chris Dailey, resident, described concerns regarding the Aaron Williams case.

Unidentified talked of two recent in-custody deaths.

Clarence Livingston, Attorney for Aaron Williams family, discussed message from Mr. Clarence Williams. Talked of arrest and problems prior to the meeting; talked of investigation regarding Aaron Williams and asked that officers involved be suspended and also talked of results of pathologist report.

William Robinson, father of Aaron Williams, talked of actions of the police regarding the death of Aaron Williams.

Lynette Robinson discussed her concerns regarding the arrest and actions of police and stated she was upset with the system.

Cythia Noble talked of causes of Williams' death and stated she is upset with the Chief's comments regarding the case.

Corey Clark expressed concerns with the Williams' matter and upset that none of the officers involved have been suspended. She also talked of investigator labeling Aaron Williams a bum.

William Bosworth described his concerns regarding the Aaron Williams death.

Mr Matteoni, resident, thanked the officers of the Mission for their efforts and also thanked Captain Santos.

Renaldo Aparicio, resident, commends Captain Santos and officers of the Mission for their efforts and discussed problems in the area of 20th and Shotwell.

Corey Clark again discussed African-American issues.

Commissioner Hewlett responded and acknowledged that this Aaron Williams is a situation and volatile and indicated the investigation by the FBI, police department, coroner's office and OCC and that the Commission will wait for the results.

Commissioner Low stated that the Commission is sensitive to the diversity in the area that more needs to be done regarding cultural sensitivity. He also indicated that the Commission will revisit the area of pepper spray and review.

Commissioner Friday commented that more will be done in looking into the Aaron Williams matter.

Rita Avilar thanked the Chief and the Commission for meeting in the Mission District and discussed interaction with police officers and thanked the Chief for opportunity to work with the Chief and the department.

Clarence Livingston stated he was delivering message form the Reverend Cecil Williams that officers involved in the Aaron Williams case should be

suspended while the investigation is being conducted and that the department should take swift actions.

David Garcia, resident Mission District, discussed drug activity in the area of 26th and South Van Ness.

Robert Croel, Attorney for the Williams' family, discussed concerns that the officers should be in the Aaron Williams' matter should be suspended while they're awaiting the result of the investigation.

Commissioner Low responded that the department is looking into the matter and the possible options in this matter that all facts will be out as soon as possible and after the conclusion of the reports and the facts known, appropriate actions will be taken.

Mr. Croel then offered full cooperation during the investigation.

John Crew, ACLU, then discussed concerns as to why the officers involved can not be reassigned at this point.

Mr. George Jones discussed minorities in the department versus the number in the fire department.

Thereafter, the meeting was adjourned at 9:00 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 21, 1995

REGULAR MEETING

Room 551
5:30 p.m.

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commmmissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

1. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes of Meetings of March 29th, April 5th, April 19th, April 26th and May 3, 1995

4. Approval of Consent Calendar

5. Police Commission Report
   a. Motion on Calendaring of New Items

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Police Officer Philip A. Fee, Park Station (File No. C45-239 RLC)

7. Chief's Report to the Police Commission

8. OCC Director's Report to the Police Commission

9. Discussion and Action re: Revised General Order 6.09, "Domestic Violence"

10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

11. Hearing on Charges Filed Against Patrol Special Officer Gilbert Andrus, Central Station (File Nos. C23-148 & C34-017 JWA)

12. Hearing on Charges Filed Against Officer William T. Taylor, Tenderloin Task Force (File Nos. C45-026 BSK & C45-275 RLC)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JUNE 21, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Wilson Broussard

2. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Roy Curry

3. Request of the Chief of Police for Approval to Accept Surplus Wang Equipment from the District Attorney's Family Support Bureau

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Minutes

JUNE 21, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez
*Commissioner Conroy arrived at 5:40 p.m.

APPROVAL OF MINUTES OF MEETINGS OF MARCH 29TH, APRIL 19TH, APRIL 26TH AND MAY 3, 1995

Approval of minutes of the meetings of March 29th, April 19th, April 26th and May 3, 1995, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Minutes approved 4-0.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO 90-95

TAXICAB OWNERS PERMIT FOR WILSON BROUSSARD

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Wilson Broussard, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Wilson Broussard.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO 91-95

TAXICAB OWNERS PERMIT FOR ROY CURRY

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab

permits to reach the total number of 861; therefore be it

RESOLVED, that Roy Curry, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Roy Curry.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 92-95

APPROVAL TO ACCEPT SURPLUS WANG EQUIPMENT FROM THE DISTRICT ATTORNEY'S FAMILY SUPPORT BUREAU

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept Wang Equipment from the District Attorney's Family Support Bureau.

AYES: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

POLICE COMMISSION REPORT

Commissioner Low announced Lance Bayer as the new director of the Office of Citizen Complaints and will begin as the new director effect July 18th. Commissioner Low also indicated there will be no meeting June 28th or July 5th. Next regular meeting will be July 12th.

RESOLUTION NO. 93-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER PHILIP A. FEE, PARK STATION (FILE NO. C45-239 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Philip A. Fee, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fee; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Philip Fee and is to be set at a later date.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that on June 20th he met with the medical examiner, Dr. Boyd Stevens, the assistant District Attorney assigned to the case regarding Aaron Williams and also the FBI. He discussed the department is cooperating with other agencies and he also talked about the time frame related to the investigation and that his focus is on violation of the US Code 241 regarding the in-custody death of Aaron Williams. He indicated that he hopes the investigation of the FBI will be completed in approximately one month. He also indicated that

Lt. Davenport, Management Control, was working with the OCC, exchanging information on this case.

Dr. Boyd Stevens, Medical Examiner, then presented his up to date report and stated a complete report on testing would probably be completed next week.

Captain Welch, Investigations, updated the Commission on department criminal investigations and that he is liaison with the coroner's, medical examiner, district attorney's office, FBI and OCC and that all information will be turned over to the DA's office for review. He also indicated the department was looking into the areas of whether or not excessive force was used, was department guidelines regarding use of pepperspray followed and that did the officers followed procedures in transporting Mr. Williams to the Richmond Station and was proper medical attention provided to Mr. Williams.

Lieutenant Davenport, Management Control, indicated he hoped that a report would be submitted to the Chief by July 26th.

Chief Ribera then indicated that a committee was formed, in response from a letter from the Mayor, consisting of Commander Holder as chair, Captain Mindy Pengel, Academy, Sergeant Willa Brown, OFJ, Mr. Bruce Kapsack, OCC, Officer Tom Shawyer, POA and Officer Glenn Sylvester, Planning Division. It is hoped that the committee would report back by July 12th to the Commission. Chief Ribera also indicated that there was information available to the public regarding the Aaron Williams' incident and it was accessible through the Public Affairs Office.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, OCC, updated the Commission regarding the conducting of officer interviews at the office regarding Aaron Williams' complaint as received, is looking into the coroner's report and any civilian to come forward regarding information.

PUBLIC COMMENTS

Taken out of order.

Reverend Cecil Williams addressed the Commission and discussed actions of the investigation and asked that something be done now and that the investigation be completed as soon as possible. He also requested that there be no cover-up.

Alex Pitche, NAACP, discussed concerns regarding community relations as a rule of the Aaron Williams case and that the investigation be completed as soon as possible.

Lynette Robinson discussed concerns regarding coroner's report, medical examiner's report.

William Bosworth discussed concerns and stated that officers should be taken off the street.

Mr. Clarence Livingston, attorney for Aaron Williams' family, discussed actions of Officer Andaya and suggested the officers be taken off the street, talked of pepperspray usage and suggested the department seized using pepperspray.

Kathy Perry discussed concerns that the Commission is responsible for the actions of the officers and she talked of the Aaron Williams' case.

Louise Vaugh, resident Geneva Towers, talked of actions of police in the area.

Jill Tregor, Intergroup Clearinghouse, discussed no accountability for actions of the police and suggested that the officers in the Williams' matter be transferred and that the officers be taken off the street.

Maggie Olesen expressed concerns regarding racist act in a racist community.

Sandra Brown Henry, candidate for Mayor, discussed an assault of a man by officers and other incidents.

Reverend Martin Drucell, Ella Hill Hutch Center, suggested expediting investigation regarding the Aaron Williams' case and expressed concerns.

Steven Phillips, Board of Education, discussed concerns and suggested the

officers need attitude and behavioral changes.

John Crew, ACLU, discussed concerns regarding Department of Justice not reviewing the use of pepperspray and asked the department to contact the Department of Justice and request expediting of OC pepperspray usage. He also discussed not using the Department of Justice video of pepperspray until it is reviewed. He further discussed concerns regarding issues in the general orders.

Robert Kroel, attorney for the Williams family, discussed availability and offered persons to be interview and also concerns regarding the mother of a person interviewed and the treatment at that time of the witness. He also expressed concerns regarding the statements and police reports regarding alleged intervenous drug use by Aaron Williams. He inquired as to whether or not statements of officers involved have been changed at all since the incident.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 6.09, "DOMESTIC VIOLENCE"

Lieutenant Tong explained changes in the Domestic Violence order.

RESOLUTION NO. 94-95

APPROVAL OF REVISED GENERAL ORDER 6.09, "DOMESTIC VIOLENCE"

RESOLVED, that the Police Commission hereby approves revised General Order 6.09, "Domestic Violence."

AYES: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

CHIEF'S REPORT TO THE POLICE COMMISSION continued

Chief Ribera advised the Commission on the arrest of Officer Donnie Cartwright, Mission Station, this date. Chief Ribera also presented certificate of appreciation to Mr. Thomas Law and Mr. Mark Shaeffer for their actions during a robbery.

PUBLIC COMMENTS

John Crew, ACLU, inquired regarding persons kept form the meeting of June 14th.

Commissioner Low advised that it's the policy of the Police Commission to keep all meetings open and to conduct the meetings in an open forum and that the previous meeting was somewhat chaotic because of the demonstration.

Mr. Jimmy Kwok discussed Aaron Williams' matter and showed appreciation for officers handling a robbery.

HEARING ON CHARGES FILED AGAINST PATROL SPECIAL OFFICER GILBERT ANDRUS, CENTRAL STATION, (FILE NOS. C23-148 & C34-017 JWA)

Put over to July 12th.

HEARING OF POLICE OFFICER WILLIAM T. TAYLOR, TENDERLOIN TASK FORCE (FILE NO. C45-275 RLC)

The hearing of Police Officer William T. Taylor, Tenderloin Task Force, was called it having been set for this date. Officer Taylor was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the

department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer William T. Taylor appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Disselhorst entered a plea of no contest on behalf of Officer Taylor. Officer Taylor personally affirmed entry of a no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification No. 1.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Taylor be terminated, said termination to be held in abeyance for three (3) years; Serve a ninety (90) day suspension and enter into an Alcohol Abuse Program under the direction of the Commanding Officer of Personnel Division; Transfer to the Ingleside Station from the Tenderloin Task Force.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 95-95

DECISION - HEARING OF OFFICER WILLIAM T. TAYLOR, TENDERLOIN TASK FORCE

WHEREAS, on February 3, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer William T. Taylor, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, William T. Taylor, Star Number 1702, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Tenderloin Task Force. However, the accused is presently assigned to the Support Services Division - Records Section;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about March 30, 1994, after 2330 hours, the accused, while in an intoxicated condition, was offered a ride to his residence by a female (hereinafter "the victim");

(4) The accused entered the victim's vehicle and after the victim had stopped the vehicle at a traffic light, the accused leaned over and kissed the victim, and forcefully attempted to insert his tongue into the victim's mouth;

(5) The victim resisted the accused's efforts to place his tongue in her mouth by pushing the accused away from her body. The victim then informed the accused that she did not wish to participate in such activity with the accused;

(6) Shortly thereafter, the accused requested that the victim stop the vehicle, where upon the accused leaned over towards the victim and while restraining her by holding her neck, kissed her neck, cheek, and lips. The victim resisted the accused's advances by pushing him away;

(7) Thereafter, the accused restrained the victim by placing his body partially on top of hers, and in spite of the victim's resistance and previous admonition that the accused's behavior was unacceptable to her, kissed the victim. The accused then rubbed the victim's breasts and touched the victim between the legs;

(8) The victim continued to resist the accused by grabbing his hands and pushing the accused away from her body;

(9) The accused, by restraining the victim by placing his body partially on top of hers, and then touching her breasts and touching between her legs, has engaged in conduct which constitutes a sexual battery as defined by Penal Code Section 243.4, which in part states:

243.4. Sexual Battery:

"a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(10) The accused, by restraining the victim by placing himself on top of her body and then against her will touching her breasts and touching between her legs, engaged in conduct of a criminal nature punishable as a felony under the Penal Code as defined in Penal Code Section 243.4, has engaged in conduct which violates Rule A-9 of General Order D-1 of San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, June 21, 1995 and on said date the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Taylor's plea of no contest, the Commission

finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Anthony D. Ribera against Officer William T. Taylor are sustained; and the Commission adopts the sustained specification as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Termination; said termination held in abeyance for three (3) years; Ninety (90) day suspension; Enrollment in an Alcohol Abuse Program under direction of Commanding Officer of Personnel Division; Transfer to Ingleside Station from the Tenderloin Task Force.

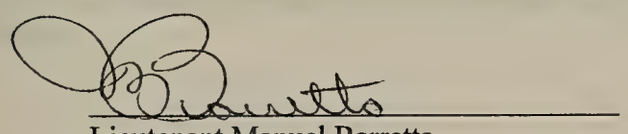
FURTHER RESOLVED, that ninety (90) days suspension shall commence on Saturday, July 1, 1995, at 0001 hours and end on Thursday, September 28, 1995, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES:	Commissioners Friday, Low, Rodriguez
NAY:	Commissioner Hewlett
ABSENT:	Commissioner Conroy

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 8:45 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be *no* Police Commission Regular Meetings on Wednesdays, June 28, 1995 and July 5, 1995. The next meeting will be on Wednesday, July 12, 1995, in the Hall of Justice, Room 551.

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

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Commmmissioner

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Commissioner

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Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 12, 1995

CLOSED SESSION

Room 505-2

5:00 p.m.

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Attorney-Client Conference
Pending Litigation

a. Joanne Welsh vs. CCSF, et al
USDC No. C93-3722 DLJ

The Police Commission

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 12, 1995

REGULAR MEETING

Room 551
5:30 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Approval of Consent Calendar

4. Police Commission Report
   a. Motion on Calendaring of New Items

5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Police Officer Donnie Cartwright, Mission Station (File No. C45-284 RLC)

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Sergeant Woodrow A. Tennant, Academy (File No. C45-231, C45-170 & C45-199 JWA)

7. Chief's Report to the Police Commission

8. OCC Director's Report to the Police Commission

9. Update and Status Report re:

   a. Effectiveness of training policies and methods of use of pepper spray and hazards of positional asphyxia.

   b. Dissemination and receipt verification of information contained in general orders and department bulletins.

   c. Department policies and procedures regarding screening and hiring of new recruits and lateral hires.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS continued:

10. Presentation of OCC Statistical Report, May, 1995

11. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State of California Office of Criminal Justice Planning (OCJP) to Conduct the Suppression of Drug Abuse in the Schools Program

12. Discussion and Action re: General Order 11.11, "Evaluation and Rehabilitation Program"

13. Discussion and Action re: Veterans Taxicab Company, Inc. Application for Approval of Stock Redemptions

14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

15. Hearing on Charges Filed Against Patrol Special Officer Gilbert Andrus, Central Station (File Nos. C23-148 & C34-017 JWA)

16. Hearing on Charges Filed Against Officer Philip A. Fee, Park Station (File No. C45-239 RLC)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Mr. Nasser Fraydouni

2. Request of Lieutenant Richard Camara, Auto Detail, to Accept Donation of a 1988 Acura Integra, from Wendy Wortendyke, for used in Undercover Operations

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JULY 12, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:05 p.m., for an Executive Session.

Commissioner Low announced that the Commission will meet in Executive Session.

Attorney-Client Conference
Pending Litigation
a. Joanne Welsh vs. CCSF, et al
USDC No. C93-3722 DLJ

PRESENT: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

JULY 12, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Consent Calendar approved 4-0.

RESOLUTION NO. 96-95

APPROVAL OF TAXICAB OWNERS PERMIT FOR NASSER FRAYDOUNI

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Nasser Fraydouni, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Nasser Fraydouni.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 97-95

APPROVAL TO ACCEPT DONATION OF A 1988 ACURA INTEGRA FROM WENDY WORTENDYKE FOR USED IN UNDERCOVER OPERATIONS

RESOLVED, that the Police Commission hereby approves the request of Lieutenant Richard Camara, Auto Detail, to accept donation of 1988 Acura Integra, California License No. 2JEJ378, from Wendy Wortendyke, for used in undercover operations.

AYES: Commissioner Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION DISCUSSION

Commissioner Low announced that the Commission met in Executive Session and discussed status of the Welsh vs. CCSF case.

POLICE COMMISSION REPORT

Commissioner Low announced no meeting July 26th, next meeting will be August 2nd and there were no matters to be calendared.

RESOLUTION NO. 98-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE OFFICER DONNIE CARTWRIGHT, MISSION STATION (FILE NO. C45-284 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Donnie Cartwright, Mission Station, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Cartwright; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Donnie Cartwright and is to be set at a later date.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 99-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST SERGEANT WOODROW A. TENNANT, ACADEMY (FILE NOS. C45-231, C45-170 & C45-199 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Woodrow A. Tennant, Academy, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Tennant; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Woodrow A. Tennant and is to be set at a later date.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the status of the building of the new Bayview Station; that there were two successful bids and everything is progressing. He also indicated that the UN50 celebration was very successful and he asked for unit citations for members who performed services during the UN50 celebration. He also notified the Commission of Captain Otten, Richmond Station, and Captain Berry, Park Station, that they will be retiring during the month of July.

Commissioner Low then discussed the Renteria matter regarding motions and asked attorneys to prepare the paperwork and submit to the Commission by next week.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

John Parker, OCC, discussed that the 938 Harrison investigation is continuing and is in its final stages and should be completed with he next two or three weeks. He also stated he attended the Board of Supervisors meeting yesterday regarding the Aaron Williams' matter and other force issues and he will look into the complaints. He thanked the Commission for their support over the last year while serving as Acting Director and stated he has met the new director, Lance Bayer, and supports him.

Commissioner Low thanked John Parker for his service while acting director and commends him for his efforts.

UPDATE AND STATUS REPORT RE: (A) EFFECTIVENESS OF TRAINING POLICIES AND METHODS OF USE OF PEPPER SPRAY AND HAZARDS OF POSITIONAL ASPHYXIA (B) DISSEMINATION AND RECEIPT VERIFICATION OF INFORMATION CONTAINED IN GENERAL ORDERS AND DEPARTMENT BULLETINS (C) DEPARTMENT POLICIES AND PROCEDURES REGARDING SCREENING AND HIRING OF NEW RECRUITS AND LATERAL HIRES

Commander Holder presented the report to the Commission on pepper spray. Commissioner Hewlett inquired regarding concerns of when medical help is rendered and also receipt of general orders and training in the subject matter and suggested that summary be sent to the Mayor and that an update by the department to the Commission be given to the Commission every 30 days.

John Crew, ACLU, commends Commander Holder and the members including the OCC for their efforts and also following recommendations of the ACLU. He also discussed his concerns regarding policies not being followed or enforced. He also discussed use of pepper spray, concerns regarding excitability delirium. He further discussed lateral transfers and the Commission should not endorse FTO program and suggested that FTO order be separated and brought to the Commission as a separate item for adoption.

Clarence Livingston, attorney for Aaron Williams family, recommended not approving use of pepper spray until further studies have been conducted and discussed method of reassignment for officers in excessive force cases.

Maggie Olesen addressed the Commission regarding her concerns.

Motion by Commissioner Hewlett, second by Commissioner Conroy to approve receipt of report from Commander Holder on pepper spray and related issues. Regular report due in 30 days. Any general orders regarding any change will come to the Commission for approval.

Chief Ribera then suggested that Lt. Springer from the Academy report back to the Commission August 2nd regarding FTO program.

PRESENTATION OF OCC STATISTICAL REPORT, MAY 1995

John Parker, Acting Director OCC, presented statistical report.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM

Sergeant Mike Jeffries and Officer Colleen Fatooh presented the application for grant. Motion by Commissioner Rodriguez, second by Commissioner Conroy with Commissioner Hewlett abstaining as she is a member of the OCJP. Matter approved 3-0.

RESOLUTION NO. 100-95

APPROVAL TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE (OCJP) TO CONDUCT THE SUPPRESSION OF DRUG ABUSE IN THE SCHOOLS PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply, accept, and expend funds from the California Office of Criminal Justice (OCJP) to conduct the Suppression of Drug Abuse in the Schools Program.

AYES:	Commissioners Conroy, Low, Rodriguez
ABSTAIN:	Commissioner Hewlett
ABSENT:	Commissioner Friday

DISCUSSION AND ACTION RE: GENERAL ORDER 11.11, "EVALUATION AND REHABILITATION PROGRAM"

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 101-95

APPROVAL OF GENERAL ORDER 11.11, "EVALUATION AND REHABILITATION PROGRAM"

RESOLVED, that the Police Commission hereby approve General Order 11.11, "Evaluation and Rehabilitation Program".

AYES:	Commissioner Conroy, Hewlett, Low, Rodriguez
ABSENT:	Commissioner Friday

DISCUSSION AND ACTION RE: VETERANS TAXICAB COMPANY, INC. APPLICATION FOR APPROVAL OF STOCK REDEMPTIONS

Wayne Canterbury appeared on behalf of the Veterans Cab Company.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Matter approved 4-0.

RESOLUTION NO. 102-95

APPROVAL OF VETERANS TAXICAB COMPANY, INC., APPLICATION FOR APPROVAL OF STOCK REDEMPTIONS

WHEREAS, the Veterans Taxicab Company requested to transfer stock shares in excess of the ten percent threshold discussed in the City & County of San Francisco Charter; and

WHEREAS, on February 1, 1995, the Police Commission adopted rules governing such transfers; and

WHEREAS, the Veteran Taxicab Company has met with such rules; therefore be it

RESOLVED, that the Police Commission hereby approves request of the Veterans Taxicab Company to transfer stock shares.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

PUBLIC COMMENTS

Daniel Pace discussed concerns regarding no police personnel at Board of Supervisors meeting and read a statement.

Virginia Conway discussed light duty officers to parol in the Tenderloin area.

Maggie Olesen discussed concerns regarding Aaron Williams case.

HEARING OF PATROL SPECIAL OFFICER GILBERT ANDRUS, FOB/CENTRAL STATION

The hearing of Patrol Special Officer Gilbert Andrus, FOB/Central Station, was called it having been set for this date. PSO Andrus was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good, efficiency or discipline of the department or which reflects discredit upon the Department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to obey the lawful order of a superior officer (violation of Rule 2.45 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Patrol Special Andrus appeared in person and was represented by Mr. George Benatados, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Benatados entered a plea of no contest on all specifications on behalf of Patrol Special Andrus. Patrol Special Andrus personally affirmed entry of a no contest plea in these matters.

Based on Patrol Special Adrus' plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The

following recommendation was made by the Chief of Police:

SPECIFICATIONS NO. 1, 2 AND 3

Sustain with $1000.00 fine to be paid within ten (10) months.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 103-95

DECISION - HEARING OF PATROL SPECIAL GILBERT ANDRUS, FOB/CENTRAL STATION

WHEREAS, on November 29, 1994, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Gilbert Andrus; and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Gilbert Andrus, Star Number 2652, (referred to as "the accused") was and is a Patrol Special Officer, appointed by the Police Commission of the City and County of San Francisco, and was the owner and operator of Beats 10 and 20 located in the Central Police District;

(2) As a Patrol Special Officer, the accused was and is responsible for knowing and obeying the Rules and Procedures of the Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department adopted by the Police Commission on September 28, 1970.

(3) On July 6, 1990, the accused entered into a contract with the Bar Pilots of San Francisco, operators of Pier 9, Port of San Francisco to provide a "Patrol Special Police Officer" for a "standing watch" commencing at 1600 hours on Fridays through 0700 hours Mondays;

(4) On July 7, 1990, a San Francisco Police Department officer received information from a third party that a person who had been convicted of a felony criminal offense in California was armed with a handgun and was working as a Patrol Special Officer at Pier 9 (referred to as "the Patrol Special Officer at Pier 9");

(5) On Sunday, July 8, 1990, at or about 0545 hours, the officer and his partner confirmed that the individual identified as the Patrol Special Officer at Pier 9 had been convicted of felonies in 1969 and 1983 and also confirmed the existence of an outstanding warrant for his arrest; they then arrested the Patrol Special Officer at Pier 9; at the time of his arrest, he was wearing a San Francisco Patrol Special Officer's jacket with patches and a star, he was carrying mace, and a 9mm handgun with two clips of ammunition;

(6) The accused had hired the Patrol Special Officer at Pier 9 and placed him on the job at Pier 9 without his first being appointed as an Assistant Patrol Special Officer by the department; the accused stated to Management Control Division investigator that the Patrol Special Officer at Pier 9 was ordered to work as a guard without a weapon; the night before the above arrest, witnesses saw the accused at Pier 9 with the Patrol Special Officer who was obviously and openly wearing a Patrol Special Officer uniform, star, gun belt, mace and was armed with a handgun;

(7) The accused by hiring a convicted felon to work as a Patrol Special Officer and by not first obtaining permission from the Chief of Police and permitting him to work as an Assistant Patrol Special Officer without first securing the appointment as an Assistant Patrol Special Officer from the Chief of Police, has engaged in conduct which subverts the good order, efficiency or discipline of the department, and brought discredit on the department, in violation of the Rules and Procedures, Patrol Special Officers and Assistant Patrol Special Officers, adopted September 28, 1970, Rule 2.13, which states;

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2:

(8) Each and every allegation contained in paragraphs (1) and (2) of SPECIFICATION NO. 1 above is incorporated by reference and is realleged as though set forth in full;

(9) On March 4, 1993, the accused while on duty and not in uniform, entered the Safeway store, located at 350 Bay Street, San Francisco; while in the store the accused gathered several grocery items and a container of "Afrin"; the accused removed the **discarded** **used the product, then** Afrin container from its box, ~~hid~~ the box in the store and /placed the Afrin container in his pocket; the accused then paid for the other grocery items and exited the store without paying for the Afrin; the store manager and a security guard confronted the accused, the accused acknowledged that he had not paid for the Afrin, tendered 5 one dollar bills in payment, the full cost of the Afrin was $6.14, the accused tendered more money and the manager brought change; the accused left the scene stating that he had been called on a cellular telephone he was carrying to perform

security services at other locations at 350 Bay Street, that he is employed by Safeway and would submit a report to Safeway concerning the incident;

and neglecting to pay for it

(10) The accused, by taking a product from the Safeway store ~~without paying for it engaged in conduct constituting petty theft under the California Penal Code,~~ has violated Rule 2.13 of the Rules and Procedures, Patrol Special Officers and Assistant Patrol Special Officers, adopted September 28, 1970, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3:

(11) Each and every allegation contained in paragraphs (1) and (2), of SPECIFICATION NO. 1 above is incorporated by reference and is realleged as though set forth in full;

(12) On April 28, 1993, a notice was sent to the accused by certified mail which he signed for on April 30, 1993, ordering the accused to appear at the Management Control Division on May 12, 1993, at 0900 hours for an interview regarding the allegations in the above matter.

(13) On May 11, 1993, the accused caused his attorney to deliver a letter to the Commanding Officer of the Management Control Division challenging the authority of the Management Control Division to require the accused to appear for an investigative interview regarding this matter; the letter then requested a continuance of the hearing because of counsel's conflicting trial in another matter;

(14) A second notice was sent setting the interview for May 21, 1993; the accused did appear and was interviewed on May 21, 1993: the accused acknowledged service of the notice to appear at 0900 hours on May 12, 1993, at the Management Control Division offices but when questioned regarding his failure to appear on May 12, 1993, his attorney stated that he did not appear "on advice of counsel";

(15) The accused, by failing to appear at the Management Control Division on May 12, 1993, to be interviewed concerning the within matter, has violated Rule 2.45 of the Rules and Procedures, Patrol Special Officers and Assistant Patrol Special Officers, adopted September 28, 1970, which states:

"Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call attention of the superior officer giving the last order to such conflict, should the latter not change his order it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on July 12, 1995 where the matter was submitted to the Police Commission for decision;

RESOLVED, that based on Patrol Special Officer Andrus' plea of no contest consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2 AND 3

Sustain - $1000.00 fine to be paid within ten (10) months

and be it further

RESOLVED, that the total $1000.00 to be paid in installments of $100.00 per month for ten (10) months payable to the San Francisco Police Department; due the first of each month beginning August 1, 1995. Said payments to be submitted to the Office of the Police Commission. Total payment of $1000.00 to be received no later than July 12, 1996. Payments not received as ordered will result in the matter being brought back before the Police Commission for further disciplinary action.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON CHARGES FILED AGAINST OFFICER PHILIP A. FEE, PARK STATION (FILE N. C45-239 RLC)

Put over to August 2nd.

Thereafter, the meeting was adjourned at 7:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

POLICE COMMISSION REPORT

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commmmissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, JULY 19, 1995

REGULAR MEETING

Park District
William DeAvila School
1351 Haight Street

6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Police Commission Report
   a. Motion on Calendaring of New Items

4. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Inspector Robert C. Hernandez, Fencing Section (File No. C45-256 JWA)

5. Chief's Report to the Police Commission

6. OCC Director's Report to the Police Commission

7. Captain Robert Berry, Commanding Officer Park Station, to Address the Commission regarding Activities in the Park District

8. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

POLICE COMMISSION REPORT

S.F. Calender of Proceedings

The Park District Community/Police Forum

POLICE COMMISSION MEETING

Come see the commissioners at work:

Harry W. Low, president
Clothilde V. Hewlett, vice-president
Annemarie Conroy
Anthony P. Rodriguez, and
Wayne Friday

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There will be a public comment session during the hearing

Wednesday, July 19, 1995. at 6:00 p.m.
at
William DeAvila School
1351 Haight St. (at Central)
School Auditorium

The August meeting of the community/police forum will not be held.

For more information:

Park Station - Sgt. Mark Porto - 553-1061
San Francisco SAFE, Inc. - Pam Matsuda - 553-1984

Please invite your neighbors to the meeting

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"Minutes"

JULY 19, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Park District, at William DeAvila School, 1350 Haight Street, at 6:15 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low welcomed the audience and introduced the Chief, Commissioners and command staff and the new OCC director, Lance Bayer. He announced there will be no meeting July 26th, next meeting will be August 2nd.

RESOLUTION NO. 104-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST INSPECTOR ROBERT C. HERNANDEZ, NARCOTICS DIVISION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Inspector Robert C. Hernandez, Narcotics Division, was called it having been set for this date; and

WHEREAS, Commissioner Annemarie Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Hernandez; therefore be it

RESOLVED, that Commissioner Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Inspector Robert C. Hernandez and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

The Chief greeted the audience, commended the community for their input regarding matters; commended Captain Bob Berry for his efforts while at Park Station. He then presented Captain Berry with a plaque for his service, congratulated him for his upcoming retirement and announced that Lieutenant Jim Long is being promoted as Acting Captain and will be the new captain of Park Station. Chief commends Captain Berry and addressed the audience.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer thanked the Commission for his recent appointment and addressed the audience regarding the duties and responsibilities of the OCC and also his intentions and goals as director of the OCC.

John Parker also described the duties of the OCC.

CAPTAIN ROBERT BERRY, COMMANDING OFFICER PARK STATION, TO ADDRESS THE COMMISSION REGARDING ACTIVITIES IN THE PARK DISTRICT

Commissioner Low thanked Captain Berry for his service during his tenure and wishes him the best in his retirement.

Captain Berry then described the district and stated crime was down last two and a half years. He thanked all the community groups for their support and thanked the Commission and also expressed best wishes to Captain Long as the

new captain in the Park District.

Commissioner Hewlett and Commissioner Friday also thanked Captain Berry for his efforts and his service to the department.

PUBLIC COMMENTS

Arthur Evans discussed petition submitted to the Mayor's Office regarding problems in the Haight-Ashbury. He stated there is good response by the police and there is a problem with persons congregating in doorways in the area and also he expressed concern regarding police response.

David Crome, Cole Valley Association, spoke and read a proclamation to Captain Berry and presented proclamation to him.

Greg Wiggins discussed alleged beating by officers and asked that records of the officers be looked into regarding their actions for the person arrested by them for resisting. He asked the incident be investigated.

Joe Costa, resident, discussed drug problems in the area regarding skin heads and also crime in the Haight.

Karen Fisken, resident, commended Captain Berry for his efforts while at Park Station and discussed rime on Ashbury Street and concerns regarding neighbors being robbed and asked for more beat police.

Dave Keller, resident, expressed his support of the police and commended Captain Berry.

Commissioner Hewlett left at 7:25 p.m.

Valerie Pope thanked Captain Berry for beat cops and asked for more.

Maggie Olesen discussed public transportation and also cars in front of the school, where the meeting is being held, that were towed.

Bill Hoover, President Haight-Ashbury Association, thanked Captain Berry.

Captain Berry thanked the people for their comments.

Captain Long expressed his plans as the new captain and stated he welcomes any input from the community and that he can be contacted at Park Station.

Commissioner Conroy then thanked the audience for their attendance and also asked the Chief to report on full staffing on the next regular Commission meeting.

Thereafter, the meeting was adjourned at 7:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY F. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL SARRIETA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be *no* Police Commission Regular Meetings on Wednesday, July 26, 1995. The next meeting will be on Wednesday, August 2, 1995, in the Hall of Justice, Room 551.

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JULY 27, 1995 **SPECIAL MEETING**

Procedural Hearings for the taking of evidence were conducted by Commissioner Anthony Rodriguez on Thursday, July 27, 1995 and on Tuesday, August 1, 1995:

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST POLICE OFFICER REBECCA RENTERIA, INGLESIDE STATION

THURSDAY, JULY 27, 1995

The hearing for taking of evidence in the disciplinary charges filed against Officer Rebecca Renteria was called at 9:00 a.m., it having been set for this date.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Katherine Mahoney, Attorney at Law, appeared on behalf of Officer Rebecca Renteria.

A Closed Hearing was requested by the defense and was granted by Commissioner Anthony Rodriguez.

Opening statement was made by Attorney Richard Corriea.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant Nicole Greely
Lieutenant William Gilbert
Sergeant Linda Witcopp

Motion to suppress was denied.

Opening statement was made by Attorney Katherine Mahoney.

The following witnesses were called by the Defense, were sworn and testified:

Mr. Brian Lee, SFUSD
Ms. Rita Beckner
Mr. George D. Dwyer
Lieutenant Bruce Marovich

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit #1 Copy of Attendance Record 1994-95

Exhibit #3 Memo dated May 25, 1995 from Lieutenant Gilbert to Chief Ribera; 2 pages

Exhibit #4 Memo - Order from Chief to Test for Suspected Substance Abuse

Exhibit #5 Memo from Lieutenant Joseph Dutto

Exhibit #6 Report from Chemical Toxicology Institute dated May 31, 1995

The following exhibit was entered for identification by the Prosecution:

Exhibit #2 Memo to Commander Martel from Lieutenant William Gilbert

The hearing was then adjourned at 4:30 p.m. to be continued on Tuesday, August 1, 1995 at 9:30 a.m.

Recess taken during the hearing of Officer Renteria:

10:45 a.m. - 10:55 a.m.
11:30 a.m. - 11:40 a.m.
12:40 p.m. - 2:05 p.m.
3:00 p.m. - 3:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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AUGUST 1, 1995 **SPECIAL MEETING**

PROCEDURAL HERAING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST POLICE OFFICER REBECCA RENTERIA, INGLESIDE STATION

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Rebecca Renteria was called at 9:30 a.m., it having been set for this date.

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Katherine Mahoney, Attorney at Law, appeared on behalf of Officer Rebecca Renteria.

The following witnesses were called by the Defenses, were sworn and testified:

Sergeant Mary Dunnigan
Officer Rebecca Renteria

The following exhibits were entered for identification by the Defense:

Exhibit A Letter to Captain Dower

Exhibit B Letters and Complimentary Reports

Exhibit C Letter from Ross Hospital dated July 26, 1995

The hearing was then adjourned at 11:25 a.m.

Recess taken during the hearing of Officer Renteria:

10:50 a.m. - 11:05 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

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CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 2, 1995

REGULAR MEETING

Room 551
5:30 p.m.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion on Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Joseph H. Perrone, Park Station (File No. C56-008 JWA)
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Presentation of OCC 1995 Second Quarter Statistics
9. Chief's Report to the Commission re: Full Staffing Projections for District Stations
10. Request of the Chief of Police for Unit Citation Awards for all Officers and Civilian Employees who Participated in UN 50 Commemoration
11. Discussion and Action re: Memorandum of Understanding Between the San Francisco Police Department and the United States Park Police
12. Discussion and Action re: Naming of Community Room at Mission Station the "Ray Benson Community Room"

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

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Commissioner

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ANNEMARIE CONROY
Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 2, 1995

13. Discussion and Action re: Amended Rules for Mediation

14. Discussion and Action re: OCC Policy Recommendations;

    1. Return of Property
    2. Medical Treatment for Arrestees who Ingest Drugs
    3. Conflict with Muni and Bart Police Regulations
    4. Narcotic Members Address Log
    5. Citizen Arrest Procedures
    6. Domestic Violence
    7. Procedures for Confidential Reports

15. Public Comments

    (Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

16. Hearing on Charges Filed Against Sergeant Woodrow A. Tennant, Academy (File Nos. C45-231, C45-170 & C45-199 JWA)

17. Hearing on Charges Filed Against Police Officer Philip A. Fee, Park Station (File No. C45-239 RLC)

CONSENT CALENDAR

1. Request of Officer Lorie Brophy, #1319, Richmond Station, to Accept a $40.00 Gift Certificate for "Harris' Restaurant" from Mr. Yosh Bokura

2. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent fund for the Month of June, 1995

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AUGUST 2, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 5-0.

RESOLUTION NO. 105-95

APPROVAL OF REQUEST OF OFFICER LORIE BROPHY, #1319, RICHMOND STATION, TO ACCEPT A $40.00 GIFT CERTIFICATE FOR "HARRIS' RESTAURANT" FROM MR. YOSH BOKURA

RESOLVED, that the Police Commission hereby approve the request of Officer Lorie Brophy, #1319, Richmond Station, to accept a $40.00 gift certificate for "Harris' Restaurant" from Mr. Yosh Bokura.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 106-95

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTH OF JUNE, 1995

RESOLVED, that the Police Commission hereby approve the Report of Expenditures from the Chief's Contingent Fund for the month of June, 1995.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced that the Commission had received a letter from the attorneys of Bryan Sullivan that the letter was turned over to the task force. Commissioner Hewlett assigned to be liaison with the committee and he also discussed that Maria Narayan be added to the committee, chair by Commander Holder. Commissioner Low also asked the Chief to report back to the Commission regarding the Sullivan case on September 1st.

Commissioner Hewlett asked the City Attorney regarding the jurisdiction in the case and that the City Attorney write a memo detailing such jurisdiction.

PUBLIC COMMENTS

Michael Adams, attorney for the family of Bryan Sullivan, discussed recommendation in letter dated August 1st and Commissioner Hewlett asked that the Domestic Violence Response Unit status at this time be on the calendar for August 9th.

RESOLUTION NO. 107-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER JOSEPH H. PERRONE, PARK STATION (FILE NO. C56-008 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Joseph H. Perrone, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Perrone; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Joseph H. Perrone and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that Management Control has submitted a report on Aaron Williams' matter in which he is reviewing at this time. He stated he is also waiting for the OCC investigation to be completed and he will report back to the Commission once that report is completed and received.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, Director OCC, stated he has now been director for two weeks. He thanked everybody for the warm welcome and he indicated that the Aaron Williams matter will be completed in approximately one month. He also indicated the investigation regarding 938 Harrison is in its final stages. Also, that the Bryan Sullivan case is being reviewed and he has received materials regarding that.

PRESENTATION OF OCC 1995 SECOND QUARTER STATISTICS

Lance Bayer presented statistics and stated that the 1992/93 case have been completed.

CHIEF'S REPORT TO THE COMMISSION RE: FULL STAFFING PROJECTIONS FOR DISTRICT STATIONS

Put over to August 9th.

REQUEST OF THE CHIEF OF POLICE FOR UNIT CITATION AWARDS FOR ALL OFFICERS AND CIVILIAN EMPLOYEES WHO PARTICIPATED IN UN 50 COMMEMORATION

Captain Cullop described events of the UN50 celebration.

Commissioner Hewlett commended the Department for their actions during that celebrations.

Captain Cullop explained the request of the Chief for Unit Citations for all officers and civilians involved during that event.

Motion by Commissioner Hewlett, second by Commissioner Conroy. Unit Citations approved 5-0.

RESOLUTION NO. 108-95

APPROVAL OF REQUEST OF THE CHIEF OF POLICE FOR UNIT CITATION AWARDS FOR ALL OFFICERS AND CIVILIAN EMPLOYEES WHO PARTICIPATED IN UN 50 COMMEMORATION

RESOLVED, that the Police Commission hereby approve the request of the Chief of Police for Unit Citation Awards for all officers and civilian employees who participated in UN 50 Commemoration.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO POLICE DEPARTMENT AND THE UNITED STATES PARK POLICE

Lieutenant Pecinovsky, Legal Office, presented MOU for approval.

John Crew addressed the interagency order in that MOU.

Motion by Commissioner Hewlett, second by Commissioner Friday. Approved 5-0 with the provision to amend.

RESOLUTION NO. 109-95

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN FRANCISCO POLICE DEPARTMENT AND THE UNITED STATES PARK POLICE

WHEREAS, the Presidio has come under the jurisdiction of the United States Department of Interior and has become part of the Golden Gate National Recreation Area; and

WHEREAS, the United States Park Police will be playing a greater role in policing within the City and County of San Francisco and as such, there will be more interaction and need for joint cooperation between the San Francisco Police Department and the United States Park Police; and

WHEREAS, the MOU contains a Hold Harmless Agreement which requires approval of the Board of Supervisors; now therefore, be it

RESOLVED, that the San Francisco Police Commission urges the Board of Supervisors to approve the attached Resolution that signifies their approval of the Hold Harmless Agreement contained in the MOU between the San Francisco Police Department and the United States Park Police.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: NAMING OF COMMUNITY ROOM AT MISSION STATION THE "RAY BENSON COMMUNITY ROOM"

Captain Santos, Mission Station, discussed the naming of the Community room at Mission Station to "Ray Benson Community Room". Motion by Commissioner Friday, second by Commissioner Hewlett. Approved 5-0.

Commissioner Friday asked for a formal dedication when the matter is ready.

RESOLUTION NO. 110-95

APPROVAL OF NAMING OF THE COMMUNITY ROOM AT MISSION STATION THE "RAY BENSON COMMUNITY ROOM"

RESOLVED, that the Police Commission hereby approve the naming of the Community Room at Mission Station the "Ray Benson Community Room."

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: AMENDED RULES FOR MEDIATION

Bruce Kapsack described the amended rules and explained amended rules for mediation. Motion by Commissioner Hewlett, second by Commissioner Conroy.

Commissioner Rodriguez suggested amendment be approved as amended. Approved 5-0.

RESOLUTION NO. 111-95

APPROVAL OF AMENDED RULES FOR MEDIATION

RESOLVED, that the Police Commission hereby approves the Amended Rules for Mediation.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS: (1) RETURN OF PROPERTY (2) MEDICAL TREATMENT FOR ARRESTEES WHO INGEST DRUGS (3) CONFLICT WITH MUNI AND BART POLICE REGULATIONS (4) NARCOTIC MEMBERS ADDRESS LOG (5) CITIZEN ARREST PROCEDURES (6) DOMESTIC VIOLENCE (7) PROCEDURES FOR CONFIDENTIAL REPORTS

Lieutenant Pecinovsky explained recommendations and asked for approval. Commissioner Hewlett inquired regarding concerns and after discussion, matter put over one week to August 9th.

PUBLIC COMMENTS

Maggie Olesen expressed concerns.

Clarence Livingston, attorney for Aaron Williams' family, discussed independent pathology report, demanded reassignment of officers involved in Aaron Williams' case.

Commissioner Hewlett asked that the independent pathology report be available to the OCC and Management Control and Mr. Livingston asked the report remain confidential.

Kathy Perry discussed Aaron Williams' case and her concerns.

Hal Womack discussed in-custody death and conversation with Dr. Stevens.

Greg Wiggins inquired regarding past incidents.

Louise Vaughn expressed her concerns.

John Crew, ACLU, discussed concerns.

HEARING OF POLICE SERGEANT WOODROW A. TENNANT, ACADEMY (CASE NOS. C45-170, C45-199, C45-231 JWA)

The hearing of Sergeant Woodrow A. Tennant, Academy, was called it having been set for this date. Sergeant Tennant was charged with violating the Rules and Procedures as follows:

(File Nos. C45-170 & C45-199 JWA)

SPECIFICATION NO. 1

Failure to contact the Communications Division to report a collision between the department car he was driving and a pedestrian (violation of Rules I-B-1-a & b of General Order R-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order, discipline and efficiency of the department and which brings discredit on the department

(violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(File No. C45-231 JWA)

SPECIFICATION NO. 1

Engaging in conduct which constitutes defined sexual harassment (violation of Rule V., B., 2., d. of Department General Order 11.07 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by his superior officer (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Sergeant Woodrow A. Tennant appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law, appearing specially for Mr. Vincent Courtney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The department moved to amend the charges. The motion to amend was granted.

Ms. Mahoney entered a plea of no contest to each charge as amended on behalf of Sergeant Tennant. Sergeant Tennant personally affirmed entry of a no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification Nos. 1, 2 and 3 of Case Nos. C45-170 & C45-199 JWA and Specification Nos. 1 and 2 of Case No. C45-231 JWA.

Based on Sergeant Tennant's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Sergeant Tennant be suspended for 90 days, 60 days to be held in abeyance for two (2) years.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 112-95

DECISION - HEARING OF SERGEANT WOODROW A. TENNANT, ACADEMY

WHEREAS, on June 27, 1995, Anthony D. Ribera , Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Woodrow A. Tennant, as follows:

(File Nos. C45-170 & C45-199 JWA)

SPECIFICATION NO. 1

(1) At all times herein mentioned, Woodrow A. Tennant, Star Number 1786, (hereinafter referred to as "the accused") is and was a police officer holding a rank of Sergeant of Police, employed by the San Francisco Police Department in the Administration Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On August 19, 1994, the accused drove his Commanding Officer, in the department vehicle assigned to his Commanding Officer, to the San Francisco International Airport to catch an outgoing flight; the accused then retained the automobile for his use during the Commanding Officer's absence from San Francisco City and County;

(4) On August 20, 1994, at 1140 hours, the accused, while driving the automobile assigned to his commanding officer, was involved in a collision with a pedestrian walking near the crosswalk at Duboce and Sanchez Streets, City and County of San Francisco;

(5) The accused drove away from the scene of the accident, later explaining that he did not notice any collision and returned when a motorcyclist pursued him to inform him of the incident; the accused participated in the investigation but did not personally notify Communications so that a supervisor could be dispatched to investigate the collision as required by General Order R-1;

(6) The accused, by failing to call Communications to inform them that a department vehicle was involved in a collision with a pedestrian resulting in injuries engaged in conduct which violates Rule I-B-1-a & b of General Order R-1 of the San Francisco Police Department, which state:

"B. A member involved in a motor vehicular accident while on-duty or while using a Department vehicle off-duty shall adhere to the following procedures:

1. If the accident occurs within San Francisco city limits, the member shall:

a. Remain at the accident scene, except in cases of extreme emergency, e.g., a violent felony in progress.

b. Notify or cause to be notified:

1) The Communications Division so that the accident can be investigated.

SPECIFICATION NO. 2

(7) Each and every allegation contained in paragraphs (1) through (5), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(8) The accused stated in his interview with Management Control Division investigators that: (A) He had directed a police officer at the scene of the collision to make notifications to Communications regarding the collision - the officer denied that he had requested that she call Communications for a supervisor or that he informed her that a department vehicle was involved; (B) The accused stated that a sergeant from the Traffic Division came to the scene - the sergeant he named as present at the scene of the collision denied that he responded or was present as stated by the accused;

(9) The accused, by making false statements when interviewed by the Management Control Division regarding the collision described in Specification No. 1 engaged in conduct which violates Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the Police Department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 3

(10) Each and every allegation contained in paragraphs (1) and (2) of Specification No.
1 above is incorporated herein by reference and is realleged as though set forth in full;

(11) On June 11, 1992, in the course of a fraud investigation, the San Francisco District Attorney's Office obtained search warrants for an attorney's records; in the course of executing the warrants, the District Attorney investigators found computer printouts of Criminal Identification and Investigation records, as well as Department of Motor Vehicles information which identified the accused as the requesting officer; the requests came from a terminal in the Vice Crimes Unit on February 2, 1989; the accused was assigned to the Vice Crimes Unit from January 26,1987 through March 27, 1989;

(12) In the course of reviewing the materials gathered in the execution of the search warrants, District Attorney investigators found other letters and indicia linking the accused to the attorney under investigation, who was later convicted of criminal activity and disbarred; the department was notified by a letter dated July 12, 1994, of the facts supporting this specification;

(13) The accused accessed the CLETS data bases containing Criminal Identification and Investigation records and Department of Motor Vehicles records without a proper criminal justice purpose, thus has engaged in conduct which would violate Penal Code section 502 and Rule B-11 of Department General Order D-1, which states:

"11. Except as required by law, members shall not divulge any information that is made confidential by law or by Department orders or that is related to them by one who seeks the aid of the Department and who requests that the information be kept confidential."

(14) The accused by using a CLETS computer terminal for personal business and releasing confidential information to an unauthorized person thus violating Penal Code section 502 and Rule B-11 of General Order D-1 has engaged in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or
laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

(File No. C45-231 JWA)

SPECIFICATION NO. 1

(1) At all times herein mentioned, Woodrow A. Tennant, Star Number 1786, (hereinafter referred to as "the accused") was a police officer holding the rank of Sergeant, employed by the San Francisco Police Department assigned to the Police Academy of the Administration Bureau:

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about February 10, 1995, the accused was assigned to teach a class in Crisis Intervention/Victimology to the 177th Recruit class at the Police Academy;

(4) While instructing the class, the accused made a sexually inappropriate comment to the class to describe a particular sex act which a portion of the class found offensive and most of the class found unprofessional and which had nothing to do with the subject matter of the course;

(5) On another occasion, on or about February 10, 1995, in the course of instructing the class referred to in paragraph 4, the accused referred to himself as a member of the gay community and made a statement to the class which was interpreted by some as asking if any of the class members were also members of the gay community, one member of the class identified herself as a member of the gay community;

(6) The accused, by using offensive language in the course of instructing a class of new recruits at the police academy and by asking the class if individual members of the class were gay engaged in conduct which violates Rule V.B.2 of Department General Order 11.07 of the San Francisco Police Department, which states:

"Members shall not engage in sexual harassment as defined in Section IV., B-1., B.2,a. - d."

The pertinent referenced section defines the offensive conduct as follows:

"IV.B.2. SEXUAL HARASSMENT

a. The law defines sexual harassment as unwanted sexual advances requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is

used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. [Emphasis added]

b. This definition includes many forms of offensive behavior. The following is a partial list:

. . . .

v. Verbal conduct -- making or using sexually derogatory comments, innuendoes, epithets, slurs, sexually explicit jokes, suggestive comments about a member's body or dress, sexually degrading words, or suggestive or obscene letters, notes, or invitations; . . . .

SPECIFICATION NO. 2

(7) Each and every allegation contained in paragraphs (1) through (5), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(8) On March 21, 1995, the accused was interviewed by the Equal Employment Opportunity Unit investigator assigned to investigate the above complaint; in the course of the interview, the accused denied that he made the sexual comments and denied that he asked members of the class to identify themselves as members of the gay community if appropriate;

(9) The accused, by making false statements to the Equal Employment Opportunity Unit investigator regarding the statements he made to the class engaged in conduct which violates Rule 21 of General Order 2.01 of the San Francisco Police Department, which states:

"COOPERATION WITH INVESTIGATIONS. Members shall, when questioned on matters relating to their employment with the department by a superior officer or by one designated by a superior officer, or by a member of the Office of Citizen Complaints, answer all questions truthfully and without evasion. Prior to being questioned, the member shall be advised of and afforded all his or her rights mandated by law or Memorandum of Understanding."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 2, 1995 and on said date the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant Tennant's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2 and 3 of Case Nos. C45-170 & C45-199 JWA and Specification Nos. 1 and 2 of Case No. C45-231 JWA, as preferred by Chief of Police Anthony D. Ribera against Sergeant Woodrow A. Tennant are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens

of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (File No. C45-170 & C45-199 JWA

Sustain

SPECIFICATION NO. 2 (File No. C45-170 & C45-199 JWA)

Sustain

SPECIFICATION NO. 3 (File No. C45-170 & C45-199 JWA)

Sustain

SPECIFICATION NO. 1 (File No. C45-231 JWA)

Sustain

SPECIFICATION NO. 2 (File No. C45-231 JWA)

Sustain

The Commission imposed the following penalty on the aggregate of the sustained charges:

Ninety (90) day suspension with sixty (60) days to be held in abeyance for two (2) years.

FURTHER RESOLVED, that thirty (30) day suspension shall commence on Saturday, August 12, 1995, at 0001 hours and end on Sunday, September 10, 1995, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER PHILIP A. FEE, PARK STATION (FILE NO. C45-239 RLC)

The hearing of Police Officer Philip A. Fee, Park Station, was called it having been set for this date. Officer Fee was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions propounded by a superior officer truthfully and without evasion (violation of Rule 21 of General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Philip A. Fee appeared in person and was represented by Kathy Mahoney, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on behalf of Officer Fee. Officer Fee personally affirmed entry of no contest plea in this matter.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, sustaining Specification Nos. 1,2, 3 and 4.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Fee be suspended for 180 days; 120 days suspension to be held in abeyance for three years.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 113-95

DECISION - HEARING OF OFFICER PHILIP A. FEE, PARK STATION

WHEREAS, on June 2, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Philip A. fee, as follows:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Philip A. Fee, Star Number 1843, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Park Station. The accused is presently assigned to the Special Operations Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On February 1, 1995, at approximately 0200 hours, while off-duty, the accused exited the Barbary Coast Tavern, which is located at 215 West Portal Avenue;

(4) On February 1, 1995, at approximately 0200 hours, the accused observed an apparent altercation between another off-duty officer

and a citizen, which was occurring nearby;

(5) As the accused approached the location of the altercation, he noted that a female citizen (hereinafter, "victim number one"), was handling his coat, which he previously set down on the hood of a car;

(6) The accused approached victim number one and, with a closed fist, struck victim number one in the abdomen;

(7) The accused, by striking victim number one in the abdomen with a closed fist, has engaged in conduct which constitutes a battery as defined by California Penal Code section 242, which states:

"242. Battery - Definition.

> A battery is any willful and unlawful use of force or violence upon the person of another."

(8) The accused, by striking victim number one in the abdomen with a closed fist, engaged in conduct of a criminal nature punishable as a misdemeanor under the Penal Code and defined in Penal Code section 242, and violated Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"Rule 9. Misconduct.

> Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

SPECIFICATION NO. 2

(9) Each and every allegation contained in paragraphs (1) through (6), inclusive, of Specification No. 1 above is incorporated herein by this reference and is realleged as though set forth in full;

(10) On February 1, 1995, after striking victim number one, the accused became involved in the apparent altercation which was then occurring between the other off-duty officer and another individual;

(11) At that time, a male civilian (hereinafter, "victim number two"), interceded in the altercation in an attempt to calm the parties, whereupon the accused struck victim number two in the mouth with a closed fist;

(12) The accused, by striking victim number two in the mouth with a closed fist, has engaged in conduct which constitutes a battery as defined by California Penal Code section 242, which states:

"242. Battery - Definition.

> A battery is any willful and unlawful use of force or violence upon the person of another."

(13) The accused, by striking victim number two in the mouth with a closed fist, engaged in conduct of a criminal nature punishable as a misdemeanor under the Penal Code and defined in Penal Code section 242, and violated Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Rule 9. Misconduct.

> Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3

(14) Each and every allegation contained in paragraphs (1) through (6), inclusive, of Specification No. 1 and paragraphs (9) through (11), inclusive, of Specification No. 2 above are incorporated herein by this reference and is realleged as though set forth in full;

(15) On February 1, 1995, after the accused struck victim number two in the mouth, a physical altercation ensued between the accused and victim number two;

(16) Thereafter, a female civilian (hereinafter, "victim number three"), interceded in the physical altercation between the accused and victim number two in an effort to dissuade the parties from continuing the altercation. At that time, victim number three fell to the ground with the combatants, and was pinned beneath them;

(17) Victim number three struggled to free herself from beneath the combatants, and was subsequently able to sit up, whereupon the accused struck her in the face with a closed fist;

(18) The accused, by striking victim number three in the face with a closed fist, has engaged in conduct which constitutes a battery as defined by California Penal Code section 242, which states:

"242. Battery - Definition.

> A battery is any willful and unlawful use of force or violence upon the person of another."

(19) The accused, by striking victim number three in the face with a closed fist, engaged in conduct of a criminal nature punishable as a misdemeanor under the Penal Code as defined in Penal Code section 242, and violated Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"Rule 9. Misconduct.

> Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically

defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 4

(20) Each and every allegation contained in paragraphs (1) through (6), inclusive, of Specification No. 1 and paragraphs (9) through (11), inclusive, of Specification No. 2, and paragraphs (14) through (17) of Specification No. 3, above, are incorporated herein by this reference and is realleged as though set forth in full;

(21) On or about March 13, 1995, the accused was summoned to the Management Control Division relative to MCD case number A 206-94/95, which relates to the facts alleged herein. After being advised of his procedural rights and the obligation to answer truthfully and without evasion, the accused was interviewed by a superior officer;

(22) During the course of the interview, the accused was questioned concerning San Francisco police officers he encountered on West Portal Avenue after the physical altercations ceased. The accused stated that Sergeant Dennis Callaghan was the first member of the Police Department with whom he had contact after the altercation;

(23) The true facts are that the accused interacted with two or more San Francisco police officers prior to his contact with Sergeant Callaghan;

(24) Further, during the course of the interview, the accused stated that within ten minutes of his leaving West Portal Avenue, he called Taraval Station from a pay phone;

(25) The true facts are that the accused telephoned Taraval Station from his home approximately twenty minutes after his leaving West Portal Avenue;

(26) The accused, by failing to answer truthfully and without evasion when questioned by a superior officer concerning his contact with San Francisco police officers on West Portal Avenue and regarding his telephoning Taraval Station, has engaged in conduct which constitutes a violation of Rule 21 of General Order 2.01 of the San Francisco Police Department, which states:

"Rule 21.

Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 2, 1995 and on said date the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Fee's plea of no contest, the Commission finds that the allegations contained in Specification Nos. 1, 2, 3, and 4, as preferred by Chief of Police Anthony D. Ribera against Officer Philip A. Fee are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

SPECIFICATION NO. 4

Sustain

One hundred eighty (180) day suspension; one hundred twenty (120) days held in abeyance for three years; sixty (60) days actual suspension and if alcohol counseling is determined, it may be required.

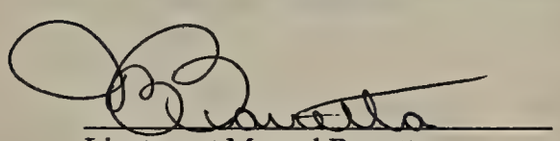
FURTHER RESOLVED, that sixty (60) days suspension shall commenced on Thursday, August 3, 1995, at 0001 hours, and end on Sunday, October 1, 1995, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedures.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR)

Thereafter, the meeting was adjourned.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 9, 1995

CLOSED SESSION

Room 505-2

4:45 p.m.

Government Code Section54957.6

CONFERENCE WITH NEGOTIATOR - COLLECTIVE BARGAINING

Anticipated issue under negogiation:

___ Wages
___ Hours
___ Benefits
XX Working Conditions
___ Other
___ All

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WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING
WEDNESDAY, AUGUST 9, 1995

REGULAR MEETING

Room 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Executive Session
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion on Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission
8. Chief's Report to the Commission re: Full Staffing Projections for District Stations
9. Status Report re: Domestic Violence Response Unit
10. Discussion and Action re: OCC Police Recommendations;
    1. Return of Property
    2. Medical Treatment for Arrestees who Ingest Drugs
    3. Conflict with Muni and Bart Police Regulations
    4. Narcotic Members Address Log
    5. Citizen Arrest Procedures
    6. Domestic Violence
    7. Procedures for Confidential Reports

The Police Commission
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Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS continued:

11. Discussion and Action re: Proposed Field Operations Bureau General Order
" Procedures for Nightclub Enforcement"

12.. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Firearm Donation from Officer Paul DeTimofeev to be Utilized for Range Training or by Specialized Units

2. Request of Lieutenant Richard Camara, Auto Detail, to Accept Donation of a 1991 Geo Storm, from Ms. Cruz-Juanita Diaz for use of the Auto Detail.

3. Request of the Chief of Police for Approval of Taxicab Owner's Permits for the following:

Elizabeth Anderson
Edmund K. Gin
Nasri I. Jweinat
James H. Maddox
Jack V. Maniaci
Illan Y. Pallat

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AUGUST 9, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 4:50 p.m. to 5:40 p.m., in an Executive Session.

Government Code Section 54957.6
CONFERENCE WITH NEGOTIATOR-COLLECTIVE BARGAINING

Anticipated issue under negotiation:

_____ Wages
_____ Hours
_____ Benefits
__xx__ Working Conditions
_____ Other
_____ All

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

AUGUST 9, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE EXECUTIVE SESSION

Commissioner Low announced that the Commission did meet in Executive Session and voted not to disclose their discussion.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 5-0.

RESOLUTION NO. 114-95

APPROVAL TO ACCEPT FIREARM DONATION FROM OFFICER PAUL DeTIMOFEEV TO BE UTILIZED FOR RANGE TRAINING OR BY SPECIALIZED UNITS

WHEREAS, Officer Paul DeTimofeev, #1955, of Support Services, has made a formal request to donate seven (7) firearms to the Department; and

WHEREAS, said firearms could be utilized for Range training, or by specialized units; now therefore, be it

RESOLVED, that the Police Commission accept Officer DeTimofeev's donation of seven (7) firearms.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 115-95

APPROVAL TO ACCEPT DONATION OF A 1991 GEO STORM FROM MS. CRUZ-JUANITA DIAZ FOR USE OF THE AUTO DETAIL

RESOLVED, that the Police Commission hereby approves the request of Lieutenant Richard Camara, Auto Detail, to accept a 1991 Geo Storm, California #2VEP376, VIN #J81RF2366M7511061, from Mr. Cruz-Juanita Diaz, valued at approximately $4800.00, for use of the Auto Detail.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 116-95

APPROVAL OF TAXICAB OWNERS PERMIT FOR THE FOLLOWING INDIVIDUALS: ELIZABETH ANDERSON, EDMUND K. GIN, NASRI I. JWEINAT, JAMES H. MADDOX, JACK V. MANIACI AND ILLAN Y. PALLAT

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Elizabeth Anderson, Edmund K. Gin, Nasri I. Jweinat, James H. Maddox, Jack V. Maniaci and Illan Y. Pallat.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced the meeting of August 16th will be held in the Richmond District at Presidio Middle School.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the FTO Program and introduced Lieutenant Ed Springer form the Academy who described the FTO Program to the Commission.

CHIEF'S REPORT TO THE COMMISSION RE: FULL STAFFING PROJECTIONS FOR DISTRICT STATIONS

Chief Ribera then called Item No. 8 out of order and updated the Commission on the full staffing. Chief Ribera gave the Commissioners a written report with the current staffing and also staffing projection as of January '96. He indicated that these numbers were gained after discussion and study with his deputy chiefs.

He updated the Commission on current status of the sergeants examination and also provisional appointments to rank of sergeant and lieutenants.

Commissioner Conroy then asked the Chief as to the number of inspectors that are going to be assigned to the new Domestic Violence Response Unit.

The Chief discussed draft of the OCC Charger Amendment. He further discussed the resolution by the Board of Supervisors creating a five year task force reporting to the Board of Supervisors every 60 days.

The Chief further discussed the court's decision in which the court had ordered Sergeant Donald Hensic reinstated after a hearing in court on his appeal of termination.

The Chief discussed morale problems and he will meet with the Commission to address any concerns.

PUBLIC COMMENTS:

John Crew addressed the Commission on Charter Amendment regarding OCC.

Commissioner Hewlett then asked that the status of Senate Bill 282 be calendared on August 16th for resolution opposing said senate bill.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer indicated that the investigation and report concerning the 938 Harrison Street incident was complete and that he would be submitting policy recommendations as a result of that investigation and he indicated that 28 cases were classified as sustain with further information to be forwarded.

STATUS REPORT RE: DOMESTIC VIOLENCE RESPONSE UNIT

Lieutenant Sandy Tong, General Works, updated and gave a status report on the Domestic Violence Response Unit. She indicated the unit will be operational August 28th and presented the goals of the unit and indicated there would be six investigators assigned to the unit when the unit begins with more to be added later.

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS: (1) RETURN OF PROPERTY (2) MEDICAL TREATMENT FOR ARRESTEE WHO INGEST DRUGS (3) CONFLICT WITH MUNI AND BART POLICE REGULATIONS (4) NARCOTIC MEMBERS ADDRESS LOG (5) CITIZEN ARREST PROCEDURES (6) DOMESTIC VIOLENCE (7) PROCEDURES FOR CONFIDENTIAL REPORTS

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 5-0.

RESOLUTION NO. 117-95

DISCUSSION AND ACTION RE: OCC POLICY RECOMMENDATIONS: (1) RETURN OF PROPERTY (2) MEDICAL TREATMENT FOR ARRESTEE WHO INGEST DRUGS (3) CONFLICT WITH MUNI AND BART POLICE REGULATIONS (4) NARCOTIC MEMBERS ADDRESS LOG (5) CITIZEN ARREST PROCEDURES (6) DOMESTIC VIOLENCE (7) PROCEDURES FOR CONFIDENTIAL REPORTS

RESOLVED, that the Police Commission hereby approve the OCC Policy Recommendations: (1) Return of Property (2) Medical Treatment for Arrestee who Ingest Drugs (3) Conflict with Muni and Bart Police Regulations (4) Narcotic Members Address Log (5) Citizen Arrest Procedures (6) Domestic Violence and (7) Procedures for Confidential Reports.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: PROPOSED FIELD OPERATIONS BUREAU GENERAL ORDER "PROCEDURES FOR NIGHTCLUB ENFORCEMENT"

By request of the Chief, matter put over two weeks to August 23rd.

Commissioner Hewlett asked the City Attorney to review proposed procedures for general order prior to 23rd.

PUBLIC COMMENTS

Maggie Olesen discussed housing unit and training of police officers.

Thereafter, meeting adjourned 7:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, AUGUST 16, 1995

CLOSED SESSION

RICHMOND DISTRICT
Presidio Middle School
450 30th Avenue

5:30 p.m.

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1. Government Code Section 59456.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Coming Up, Inc. v. City and County of San Francisco, C92-3714 DLJ, United States District Court, Northern District of California

2. Government Code Section 59456.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Hensic v. San Francisco Police Commission, Case No. 948994, San Francisco Superior Court

PUBLIC SESSION

RICHMOND DISTRICT
Presidio Middle School
450 30th Avenue

6:00 p.m.

1. Pledge of Allegiance

2. Roll Call

3. Vote on Whether to Disclose Closed Session Discussion

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS, continued:

4. Approval of Consent Calendar

5. Police Commission Report
   a. Notification of Resignation of Officer Alan F. McPheters

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Malcom Fong, Ingleside Station (File No. C56-007 JWA)

7. Chief's Report to the Police Commission

8. OCC Director's Report to the Police Commission

9. Discussion and Action re: Senate Bill 282 an Act to Amend Government Code Sections 3304 and 3309.5 and to Add Section 3306.5 relating to Public Safety Officers

10. Lieutenant Jerry Defilippo to Address the Commission on Police Activities in the Richmond District

11. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept a Pair of Season Tickets to the San Francisco 49er Home Games for the Officers of the Department from the San Francisco 49er Organization

2. Recommendation of the City Attorney for Settlement of the following claim:

   a. Coming Up, Inc. v. City and County of San Francisco, Case No. 948994, San Francisco Superior Court

The Richmond District Community/Police Forum

hosts the monthly

Police Commission Meeting

Come see the commissioners at work:
Harry W. Low, president,
Clothilde V. Hewlett, vice-president
Anthony P. Rodriguez,
Wayne Friday, and
Annmarie Conroy

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There will be a public comment session during the hearing.

Wednesday, August 16, 1995, 6 p.m.

Presidio Middle School
450 30th Avenue

between Geary Boulevard and Clement Street
(*Parking is available in the schoolyard, enter at 29th Avenue*)

For more information:

Richmond Station, Officer Jill Connolly: 553-1385
SF SAFE, Pam Matsuda: 553-1984
News media contact: Paul von Beroldingen: 751-1858

The Community/Police Forum will not meet in August.

you no longer wish to receive these notices or you are receiving more than one, please leave our name and address at 387-2843. Thank you for your help in updating our mailing list.

Please invite your neighbors to the meeting.

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AUGUST 16, 1995 **EXECUTIVE SESSION**

The Police Commission of the City and County of San Francisco met in the Richmond District, at the Presidio Middle School, 450 30th Avenue, at 5:40 p.m. to 6:40 p.m., for an Executive Session.

a. Government Code Section 59456.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation
Coming Up, Inc., v. CCSF, C92-3714 DLJ, United States District Court, Northern District of California

b. Government Code Section 59456.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation
Hensic v. San Francisco Police Commission, Case No. 948994, San Francisco Superior Court

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

AUGUST 16, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Richmond District, at the Presidio Middle School, 450 30th Avenue, at 6:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

Commissioner Low introduced the Commissioners, the Command Staff, the OCC Director and indicated no meeting on August 23rd or August 30th unless needed. Next meeting would be September 6th at the Hall of Justice.

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Low indicated that the Commission discussed two matters in closed session with the City Attorney on the status of two existing litigations.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 5-0.

RESOLUTION NO. 118-95

APPROVAL TO ACCEPT A PAIR OF SEASON TICKETS TO THE SAN FRANCISCO 49ER HOME GAMES FOR THE OFFICERS OF THE DEPARTMENT FROM THE SAN FRANCISCO 49ER ORGANIZATION

RESOLVED, that the Police Commission hereby approve the request of the Chief of Police to accept a pair of season tickets to the San Francisco 49er Homes Games for the officers of the Department from the San Francisco 49er Organization.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 119-95

COMING UP, INC. v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Coming Up, Inc. v. CCSF" in United State District Court, Case No. C92-3714 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 7-8, 1992

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

a. Notification of Resignation of Officer Alan F. McPheters

RESOLUTION NO. 120-95

RESIGNATION OF OFFICER ALAN F. MCPHETERS, MEDICAL LIAISON

WHEREAS, on March 6, 1995, Anthony D. Ribera, Chief of Police, made and served charges against Officer Alan F. McPheters, Medical Liaison, as follows:

SPECIFICATION NO. 1

Engaging in other business or calling without the prior written permission of the Chief of Police (violation of Rule I.C. of General Order T-1);

SPECIFICATION NO. 2

Engaging in other business or calling while on sick leave with pay (violation of Rule I.L. of General Order T-1);

SPECIFICATION NO. 3

Engaging in employment when on sick leave without pay (violation of San Francisco Civil Service Rule 22.02.C.4);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule 9 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, Chief of Police Anthony D. Ribera announced that Officer Alan F. McPheters has resigned from the San Francisco Police Department, said resignation effective close of business August 4, 1995; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Officer Alan F. McPheters, Medial Liaison, be, and the same are hereby continued off calendar.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 121-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER MALCOM FONG, INGLESIDE STATION (FILE NO. C56-007 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Malcom Fong, Ingleside Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Malcom Fong and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed provisional appointments to sergeants and stated the planned meeting has been delayed until upcoming Monday. Commissioner Rodriguez will be attending meeting with the Chief and Commissioner Low also will attend if possible.

Chief Ribera indicated he will be going out of town. During is absence, Deputy Chief Reed will be acting Chief.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Lance Bayer described the duties of the OCC and also the responsibilities regarding investigations made to that unit and briefed the audience on procedures.

Commissioner Low discussed receiving letter from the firm of Davis, Reno and Courtney and asked the City Attorney to review and to respond and defer any decision and action until September after review of City Attorney.

DISCUSSION AND ACTION RE: SENATE BILL 282 AN ACT TO AMEND GOVERNMENT CDE SECTIONS 3304 AND 3309.5 AND TO ADD SECTION 3306.5 RELATING TO PUBLIC SAFETY OFFICERS

Lieutenant Pecinovsky, Legal Division, briefed the Commission on status of Senate Bill 282 an Act amending Sections 3304 and 3309.5 relating to public safety officers.

Motion by Commissioner Hewlett, second by Commissioner Conroy to oppose Senate Bill 282. Motion to oppose approved 5-0. Letters to be sent to Senator Marks and Kopp.

RESOLUTION NO. 122-95

SENATE BILL 282 OPPOSE

WHEREAS, San Francisco police officers are afforded rights pursuant to the Public Safety Officers Procedural Bill of Rights; and

WHEREAS, The Charter for the City and County of San Francisco provides for the process by which its police officers are subject to punitive actions; and

WHEREAS, Senate Bill 282 would significantly impact the ability of the

Police Commission to take disciplinary actions against police officers; and

WHEREAS, The ability of the Office of Citizen Complaints and the Management Control Division to conduct investigations in complex cases will be negatively impacted by the time restrictions to complete investigations; and

WHEREAS, The ability of the Police Commission to conduct an adequate hearing and review of disciplinary cases will be negatively impacted by the time restrictions for imposition of discipline;

IT IS RESOLVED, The San Francisco Police Commission is strongly opposed to Senate Bill 282 and staff is authorized to express this position to the Legislature and the author of Senate Bill 282.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

LIEUTENANT JERRY DEFILIPPO TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE RICHMOND DISTRICT

Lieutenant Jerry DeFilippo addressed the Commission on activities in the Richmond District and welcomed the Commission and the audience and briefed the audience on all activities and concerns in the district at this time.

Officer Ray Shine, Traffic, describes Operation Safe Pedestrian to the audience.

PUBLIC COMMENTS

Tom Fields discussed meetings at the station's community room; commends Captain Otten for his service as commanding officer of Richmond District.; discussed quality of life issues and juvenile crime.

Maggie Olesen discussed reputation of the police department.

Paul Norris commends officers of Richmond Station for activities and actions.

Thereafter, the meeting was adjourned at 7:35 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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AUGUST 23, 1995 SPECIAL MEETING

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST POLICE OFFICER GREGORY W. BRESLIN, PARK STATION (FILE NO. C45-070 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Gregory W. Breslin was called at 10:00 a.m., it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Robert Moore, Attorney at Law, appeared on behalf of Officer Gregory W. Breslin.

A motion for Closed Hearing was introduced by Attorney Akins and was granted by Commissioner Hewlett.

Opening statement was made by Mr. Akins.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Michealynn Trotter

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit No. 1	8x10 Photo of bench in Vice Crimes Office
Exhibit No. 2	Four (4) Poloroid Photos of Ms. Trotter
Exhibit No. 3	Earring - Silver

The following exhibits were identified and entered into evidence by the Defense:

Exhibit A	5x7 Photo of office area - Vice Crimes Office
Exhibit B	5x7 Photo of bench in Vice Crimes Office
Exhibit C	Photo of office area - Vice Crimes Office
Exhibit D	Photo of office area - Vice Crimes Office
Exhibit E	Photo of desk area - Vice Crimes Office

The following exhibits were entered for identification by the Defense:

Exhibit F	Photo of left side of face - Officer Breslin
Exhibit G	Photo of front face - Officer Breslin

Thereafter, the hearing was adjourned to be continued on Wednesday, October 4, 1995, at 9:00 a.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

The Police Commission

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LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meetings on Wednesdays, August 23, 1995 and August 30, 1995. The next Police Commission Meeting will be Wednesday, September 6, 1995 at the Hall of Justice.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 6, 1995

PUBLIC SESSION

ROOM 551
5:30 p.m.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Susan J. Moneyhun, Medial Liaison (File No. RLC C45-173)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Further Charges Filed Against Officer Malcolm S. Fong, Ingleside Station (File No. C56-007 JWA)
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation of OCC Monthly Statistical Summary, July 1995
10. Request of the Chief of Police for a Supplemental Appropriation in the Amount of $1,000,000 for Construction of the New Bayview Police Station
11. Request of the Chief of Police for a Supplemental Appropriation in the Amount of $4,422,454 for Earned Interest and Reserve Funds for the Construction of the Bayview Station and the Completion of Taraval, Park and Mission Stations

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 6, 1995

12. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State of California Office of Criminal Justice Planning (OCJP) to Conduct the Livescan Terminal Project

13. Request of the Chief of Police to Apply for, Accept and Expend Funds from the Administration for Children, Youth and Families of the United States Department of Health and Human Services to Conduct the Youth Gang/Drug Prevention Program

14. Discussion and Action re: Proposed Field Operations Bureau General Order, "Procedures for Nightclub Enforcement"

15. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

16. Hearing on Appeal of Chief's Suspension of Police Officer Rachel Benton (File No. RLC D45-063)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Taxicab Owner's Permit for Majed Dajani

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SEPTEMBER 6, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:30 p.m., in a Regular Meeting.

PRESENT: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy, Friday

Commissioner Low announced next meeting would be September 13th in the Hall of Justice. No meeting September 28th.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 3-0.

RESOLUTION NO. 128-95

APPROVAL OF TAXICAB OWNERS PERMIT FOR MAJED DAJANI

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that Majed Dajani, based on his application and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Majed Dajani.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy, Friday

POLICE COMMISSION REPORT

Commissioner Hewlett asked the Chief regarding calendaring of the status report of the Consent Decree Mandate.

Chief indicated he will report back to the Commission next week.

Commissioner Low asked Commander Holder on a letter received regarding recommendation on the Brian Sullivan case.

Commander Holder would address the Commission after looking into the matter.

RESOLUTION NO. 123-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER SUSAN J. MONEYHUN, MEDICAL LIAISON (FILE NO. RLC C45-173)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Susan J. Moneyhun, Medical Liaison, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Moneyhun; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Susan J. Moneyhun and is to be set at a later date.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioners Conroy, Friday

RESOLUTION NO. 124-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON FURTHER CHARGES FILED AGAINST OFFICER MALCOLM S. FONG, INGLESIDE STATION (FILE NO. C56-007 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong, Ingleside Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fong; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Malcolm S. Fong and is to be set at a later date.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioners Conroy, Friday

Commissioner Hewlett asked the City Attorney to draft a letter on police disciplinary process to be sent to the OCC, Management Control, Board of Supervisors and ACLU.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera told the Commission that he received a card for the department from the mother of former Commissioner David Detrick thanking the Department for their participation in the funeral services of Commissioner Detrick.

Julie Gonzalez, Consent Decree, briefed the Commission on status of upcoming promotional test and stated promotional for captains test hopefully by end of May, 1996 and discussed further testing plan for other ranks.

Chief Ribera indicated that Chief Petrini, Chief Lau and Commander Martel were out at an officer-involved shooting and investigation is on-going and would brief the Commission when further information is received.

Chief further indicated that since the shooting of Officer Michael Toropovsky in the Park District, the department was dealing with the encampment in the park.

Deputy Chief Reed addressed the Commission regarding that enforcement and indicated that notices were being posted and outreach programs was underway and enforcement of the encampment program will begin August 29th through the 30th.

The Chief also told the Commission that the Domestic Violence Response Unit was up and running and thanked Commissioner Hewlett for her help and support.

He further stated that he had received the complete investigation from OCC regarding 938 Harrison. He thanked the OCC for their timeliness and he stated he will review sustained complaints as soon as possible and then discuss any concern with OCC Director Lance Bayer.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer discussed 938 Harrison Street investigation.

PRESENTATION OF OCC MONTHLY STATISTICAL SUMMARY, JULY 1995

Director Bayer presented the statistics and indicated, for the month, received 83 complaints; total pending cases 342.

Commissioner Hewlett commended the OCC personnel for 938 Harrison investigation and also in addressing the backlog and their efforts in catching up on those pending cases. She also asked that the Commission calendar recommendations regarding Brian Sullivan case in the near future.

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $1,000,000 FOR CONSTRUCTION OF THE NEW BAYVIEW POLICE STATION

Lieutenant Alex Fagan presented the request for supplemental appropriation. Gary Hoyd, Department of Architecture, also addressed the Commission regarding status of new Bayview Station.

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Matter approved 3-0.

RESOLUTION NO. 125-95

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $1,000,000.00 FOR CONSTRUCTION OF THE NEW BAYVIEW POLICE STATION

WHEREAS, contractors recently submitted bids to construct the new Bayview Police Station, and;

WHEREAS, the bids were $1,000,000 more than the currently available funds, and;

WHEREAS, the Police Department anticipates selling surplus property value at $1,000,000; now therefore be it

RESOLVED, that the Police Commission hereby approves a supplemental appropriation (Appendix I, Attachment 1) in the amount of $1,000,000.00 to cover construction costs of the new Bayview Police Station; and be it

FURTHER RESOLVED, that the $1,000,000 will be paid back when surplus property is sold.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy, Friday

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $4,422,454 FOR EARNED INTEREST AND RESERVE FUNDS FOR THE CONSTRUCTION OF THE BAYVIEW STATION AND THE COMPLETION OF TARAVAL, PARK AND MISSION STATIONS

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 3-0.

RESOLUTION NO. 126-95

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $4,422,454 FOR EARNED INTEREST AND RESERVE FUNDS FOR THE CONSTRUCTION OF THE BAYVIEW STATION AND THE COMPLETION OF TARAVAL, PARK AND MISSION STATIONS

WHEREAS, the 1987 Police Proposition A Police Bond Program has $1,800,000 in earned interest; and

WHEREAS, the 1987 Police Proposition A Police Bond Program has $2,622,454 in reserved funds; now therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation (Appendix I, Attachment 1) of $1,800,000 in earned interest; and be it

FURTHER RESOLVED, that the Police Commission hereby approves the release of $2,622,454 in reserved funds for the new Bayview Police Station.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy, Friday

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE LIVESCAN TERMINAL PROJECT

Inspector Ken Moses addressed the Commission. After discussion matter put over to September 13th.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT THE YOUTH GANG/DRUG PREVENTION PROGRAM

Officer Terry Ivy and Sergeant Bruce Frediani presented grant. Motion by Commissioner Rodriguez, second by Commissioner Low. Approved 3-0.

RESOLUTION NO. 127-95

APPROVAL TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT THE YOUTH GANG/DRUG PREVENTION PROGRAM

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to apply for, accept and expend funds from the Administration for Children, Youth and Families of the United States Department of Health and Human Services to conduct the Youth Gang/Drug Prevention Program.

AYES: Commissioners Hewlett, Low, Rodriguez
ABSENT: Commissioners Conroy, Friday

DISCUSSION AND ACTION RE: PROPOSED FIELD OPERATIONS BUREAU GENERAL ORDER, "PROCEDURES FOR NIGHTCLUB ENFORCEMENT"

Put over to September 13th.

PUBLIC COMMENTS

Maggie Olesen discussed bilingual training in the department and also shooting in Golden Gate Park.

HEARING ON APPEAL OF CHIEF'S SUSPENSION OF POLICE OFFICER RACHEL BENTON (FILE NO. RLC D45-063)

Continued to the meeting of September 13th.

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

3/95

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 13, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

ROOM 505-2
5:00 p.m.

1. Government Code Section 59456.9(a)
   CONFERENCE WITH LEGAL COUNSEL
   Existing Litigation
   Jane Doe v. City and County of San Francisco, C951733

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2. Government Code Section 54957
   PUBLIC EMPLOYEE DISCIPLINE
   Officer Rachel Benton

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion for Calendaring of New Items

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 13, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Gary M. Fagundes, Support Services (File No. C56-032 JWA)

7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Sergeant Nancy Brewer, Potrero Station (File No. C45-264 RLC)

8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Further Charges Filed Against Officer Clifton A. Matthews, Support Services Division (File No. C45-133 JWA)

9. Chief's Report to the Police Commission

10. OCC Director's Report to the Police Commission

11. Request of the Chief of Police to Apply for, Accept and Expend Funds from the State of California Office of Criminal Justice Planning (OCJP) to Conduct the Livescan Terminal Project

12. Discussion and Action re: Amendment of Administrative Code Section 10B.2

13. Discussion and Action re: Proposed Field Operations Bureau General Order, "Procedures for Nightclub Enforcement"

14. Public Comments
(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, SEPTEMBER 13, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

15. Hearing/Disposition on Charges Filed Against Officer Steven L. Hutzler, Academy (File No. C45-270 JWA)

16. Hearing on Charges Filed Against Officer Rebecca Renteria, Ingleside Station (File No. C45-273 RLC)

CONSENT CALENDAR

1. Request of the Chief of Police to Accept His Donation of a 1982 Toyota for Use in Undercover Investigations

2. Recommendation of the City Attorney for Settlement of the following claim:

   a. Maria Hernandez, et al v. CCSF, Case No. C95-0594 CAL, United States District Court

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SEPTEMBER 13, 1995 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, from 5:00 p.m. to 5:35 p.m., in a Closed Session.

1. Government Code Section 59456.9(a)
   CONFERENCE WITH LEGAL COUNSEL
   Existing Litigation
   Jane Doe v. CCSF, C951733

2. Government Code Section 54957
   PUBLIC EMPLOYEE DISCIPLINE
   Officer Rachel Benton

PRESENT: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

SEPTEMBER 13, 1995 **PUBLIC SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Low announced that the Commission voted unanimously to disclose Executive Session discussion. He indicated they discussed an existing litigation claim over to City Attorney and Commission was informed of status update by City Attorney. He also indicated that the Rachel Benton appeal of Chief's suspension was taken off calendar as Officer Benton had withdrawn her appeal. She will receive a reprimand from the Chief.

Commissioner Low indicated that Lieutenant Pecinovsky was to draft rules regarding appeals of Chief's Suspension for review by the City Attorney.

RESOLUTION NO. 129-95

REQUEST FOR WITHDRAWAL OF APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER RACHEL BENTON

WHEREAS, a phone call was received from Mr. Earl Disselhorst, Attorney for Officer Rachel Benton, requesting withdrawal of Officer Benton's appeal of the Chief's Suspension imposed on her; therefore be it

RESOLVED, the request for withdrawal of appeal of the Chief's suspension imposed on Officer Rachel Benton is hereby approved.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 4-0.

RESOLUTION NO. 137-95

APPROVAL TO ACCEPT DONATION OF A 1982 TOYOTA FOR USE IN UNDERCOVER INVESTIGATIONS

RESOLVED, that the Police Commission hereby approve to accept your donation of a 1982 Toyota, VIN#JT2RA64L4C0003962, valued at $3800.00, for use in undercover investigations.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 138-95

MARIA HERNANDEZ, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Maria Hernandez, et al v. CCSF" in United States District Court, Case No. C95-0594 CAL for damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1995

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

POLICE COMMISSION REPORT

Commissioner Low indicated next meeting will be October 11th. Meeting will be held October 4th if necessary.

Commissioner Hewlett asked that a status report from Commander Holder regarding In-Custody Death Task Force be calendared.

RESOLUTION NO. 130-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE OFFICER GARY M. FAGUNDES, SUPPORT SERVICES (FILE NO. C56-032 BSK)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Gary M. Fagundes, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Harry W. Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Fagundes; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gary M. Fagundes and is to be set at a later date.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 131-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE SERGEANT NANCY BREWER, POTRERO STATION (FILE NO. C45-264 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Sergeant Nancy Brewer, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Annemarie Conroy is hereby assigned to

conduct taking of evidence in the disciplinary charges filed against Sergeant Nancy Brewer; therefore be it

RESOLVED, that Commissioner Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Sergeant Nancy Brewer and is to be set at a later date.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 132-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, SUPPORT SERVICES DIVISION (FILE NO. C45-133 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in further disciplinary charges filed against Officer Clifton A. Matthews, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews and is to be set at a later date.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

Commissioner Hewlett indicated scheduling a hearing for November 29th and November 30th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated that he will be out of state on vacation. He also briefed the Commission on investigation of 938 Harrison Street and that he met with OCC Director Lance Bayer and Lieutenant Davenport, MCD, regarding the matter. He also indicated that 22 officers had sustained complaints; six of which will be forwarded to the Commission; 12 at the Chief's level and 4 informal discipline. He also briefed the Police Commission on the shooting death of Mr. William Hankston and indicated that the district attorney had asked for a grand jury investigation. All other investigations are pending and he will advised the Commission on status of these on a regular basis. He also indicated he has met with leaders of the community. He also indicated that OFJ will assist in outreach to the community and Commissioner Hewlett asked the Chief to review the incident for recommendations regarding department policies and undercover activities.

Commander Holder briefed the Commission on status of In-Custody Death Task Force and said that the committee had met since August. They are drafting a general order which will be presented to the Commission on October 11th.

John Crew, ACLU, discussed the calendaring of the In-Custody Death Task Force report, the 938 Harrison investigation and also his concerns regarding no civilians on the Weapons Discharge Review Board and no written report after the Weapons Review Board hearing and he asked the Commission and the Department to take a look at in-custody death immediately and he asked that the Commission reconsider cancelling meeting of September 20th & 27th.

Chief Ribera also introduced Julie Gonzalez, Director of Consent Decree,

who present the status of Affirmative Action plan.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer stated the OCC has received complaint regarding William Hankston shooting and as of this date advised the Commission that OCC has only 28 cases pending from 1994.

RESOLUTION NO. 133-95

APPROVAL TO APPLY FOR, ACCEPT AND EXPEND FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO CONDUCT THE LIVESCAN TERMINAL PROJECT

RESOLVED, that the Police Commission hereby approve the request of the Chief of Police to apply for, accept and expend funds from the State of California Office of Criminal Justice Planning (OCJP) to conduct the Livescan Terminal Project.

AYES: Commissioners Conroy, Low, Rodriguez
ABSTAIN: Commissioner Hewlett
ABSENT: Commissioner Friday

Motion by Commissioner Rodriguez, second by Commissioner Conroy to approved with Commissiner Hewlett abstaining as she is a member of the OCJP.

RESOLUTION NO. 134-95

AMENDMENT OF ADMINISTRATIVE CODE SECTION 10B.2

WHEREAS, the Chief of Police may approve requests for supplemental police service from members of the public; and

WHEREAS, the City incurs some administrative costs in the providing of these services; and

WHEREAS, the imposition of an administrative fee in some instances causes an undue burden; and

WHEREAS, the administrative fee is more appropriately set at 10%; therefore be it .

RESOLVED, the administrative fee should be amended to reflect the costs to the City to provide such services and that the Chief of Police should have the authority to waive such fees.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

RESOLUTION NO. 135-95

APPROVAL OF FIELD OPERATIONS BUREAU GENERAL ORDER, "PROCEDURES FOR NIGHTCLUB ENFORCEMENT"

RESOLVED, that the Police Commission hereby approves Field Operations Bureau General Order, "Procedures for Nightclub Enforcement".

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

PUBLIC COMMENTS

Maggie Olesen addressed concerns with the Department.

Unidentified addressed concerns regarding incident with police. John Crew, ACLU, discussed his concerns.

HEARING/DISPOSITION ON CHARGES FILED AGAINST OFFICER STEVEN L. HUTZLER, ACADEMY (FILE NO. C45-270 JWA)

Put over to October 4th.

HEARING OF POLICE OFFICER REBECCA RENTERIA, INGLESIDE STATION

The hearing of Police Officer Rebecca Renteria, Ingleside Station, was called it having been set for this date. Officer Renteria was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Possession or using a controlled substance as defined by the California Uniform Controlled Substances Act without a valid prescription (a violation of Rule I.C.1. of General Order 2.03 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Rebecca Renteria appeared in person and was represented by Ms. Katherine Mahoney, Attorney at Law.

Mr. Richard L. Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Rebecca Renteria be terminated.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 136-95

DECISION - HEARING OF OFFICER REBECCA RENTERIA, INGLESIDE STATION

WHEREAS, June 2, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Rebecca Renteria as follows:

SPECIFICATION NO. 1

Possession or using a controlled substance as defined by the California Uniform Controlled Substances Act without a valid prescription (a violation of Rule I.C.1. of General Order 2.03 of the San Francisco Police Department);

(1) At all times herein mentioned, Rebecca Renteria, Star Number 81, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Ingleside Station;

(2) As a police officer, the accused was and is responsible for knowing

and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 25, 1995, after observations by the accused's supervisors which caused them to entertain a reasonable suspicion that the accused is or was using a controlled substance, the accused was transported to the Management Control Division;

(4) On May 25, 1995, after the accused's arrival at the Management Control Division, and on the order of the Chief of Police, the accused was directed to submit a urine sample to be tested for substances of abuse. A urine sample from the accused was collected by the Management Control Division and on May 25, 1995, said sample was transported for testing to the Chemical Toxicology Institutes laboratory in Foster City, California;

(5) On May 31, 1995, the laboratory submitted the results of the tests. The urine sample collected from the accused on May 25, 1995 tested positive for amphetamine and methamphetamine, both Schedule II Controlled Substances as defined in California Health and Safety Code section 11055; the laboratory reported that the urine sample contained 21,093 nanograms per milliliter (ng-ml) of methamphetamine as measured by Gas Chromatograph-Mass Spectrometer (GC-MS) and also contained 2855 nanograms per milliliter (ng-ml) of amphetamine as measured by Gas Chromatograph-Mass Spectrometer (GC-MS);

(6) 300 nanograms per milliliter (ng-ml) when measured by Gas Chromatograph-Mass Spectrometer (GC-MS) is the cut-off value for a finding that a member has used amphetamines under General Order 2.03;

(7) The accused, by using controlled substances without a prescription in violation of the California Uniform Controlled Substances Act, has engaged in conduct which violates Section I.C.1 of General Order 2.03 of the San Francisco Police Department, which states:

"C. Illegal Drugs

1. Possession/Use. It is the policy of the San Francisco Police Department that members (both sworn officers and non-sworn employees) shall not illegally possess or use any drug or controlled substance identified under Sections 11053 to 11058 inclusive of the Health and Safety Code. Narcotic evidence obtained in the course of police duties and processed according to Department policy and procedures is not subject to this policy."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, July 27, 1995 and Tuesday, August 1, 1995 and on Wednesday, September 13, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegation contained in Specification No. 1, as preferred by Chief of Police Anthony D. Ribera against Officer Rebecca Renteria are sustained; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens

of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Termination

RESOLVED, that said termination will be effective at 12:00 p.m., on Friday, September 15, 1995 to allow for Officer Renteria's resignation. Upon her resignation, said order shall be vacated.

WHEREAS, after being granted a one week extension of time to resign, Officer Renteria tendered her resignation from the San Francisco Police Department effective close of business September 19, 1995.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Hewlett, Low, Rodriguez
ABSENT: Commissioner Friday

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. NEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meetings on Wednesdays, September 20, 1995 and Wednesday, September 27, 1995. The next meeting will be on Wednesday, October 4, 1995, at 5:30 p.m., in Room 551, Hall of Justice.

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The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 4, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Assignment of Commissioner and Setting of Date for Taking of Evidence in the Appeal of Chief's Suspension Imposed on Officer Severo Flores, Potrero Station (File No. D45-288 JWA)
6. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer James F. Dougherty, Park Station (File No. C56-014 JWA)
7. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Mary Espinoza, Support Services (File No. C56-010 RLC)
8. Assignment of Commissioner and Setting of Date for Taking of Evidence on Charges Filed Against Officer Steven J. Landi, Support Services (File No. C56-044 RLC)
9. Chief's Report to the Police Commission
10. OCC Director's Report to the Police Commission
11. Request for Approval of Recommendation for the Office of Citizen Complaints to Lease Facilities located at 480 Second Street

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 4, 1995

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

PUBLIC SESSION

12. Presentation of OCC Monthly Statistical Summary, August 1995

13. Request of the Chief of Police for Approval to Appropriate $398,676 from the San Francisco Traffic Offender Program, a Special Revenue Fund

14. Request of the Chief of Police for Approval to Appropriate $49,156 from the Narcotics Seizure and Asset Forfeiture Fund, a Special Revenue Fund, for Anti-Narcotics Education Programs

15. Status Report from In-Custody Task Force

16. Discussion and Action re: Revised General Order 5.01, "Use of Force"

17. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

18. Hearing on Charges Filed Against Sergeant Nancy Brewer, Potrero Station (File No. C45-264 RLC)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 4, 1995

HARRY W. LOW
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Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CONSENT CALENDAR

1. Request for Approval to Accept Donation of $100.00 from Ms. Harriet Ross for Use of the Canine Unit

2. Request for Approval to Accept Donation of $500.00 from Armored Transport of California Inc., for Use of the Robbery Detail

3. Request for Approval of the following Donations for the Domestic Violence Response Unit from the following Individuals:

   a. Answering Machine donated by Ms. Terri Hannigan & Mr. Jim DeGolia, estimated value of $150.00

   b. One Black Leather Swivel Chair with Ottoman donated by Beverly and Jack Immendorf, estimated value of $435.00

   c. Art Donations, 12 Framed Pictures, donated by Robert and Pamela Immendorf of the Immendorf Gallery, estimated value of $3,550.00 (See Attached List)

   d. Miscellaneous Collection of Toys, donated by and arranged through Anatex and Darda-Heroes by Caryl Ito, estimated value of $500.00

   e. One Brown Leather Sofa, donated by Mary Jung, estimated value of $3,000.00

   f. Office Furniture donated by Michael Warner of Office Furniture Warehouse Sales, estimated value of $2000.00:

      7 Ergonomic Computer/Desk Chairs (New)
      1 Maple Desk (Used)
      6 File Cabinets (Used)
      1 Conference Table (Used)
      12 Cushioned Chairs (Used)
      4 Free Standing Partitions (Used)
      2 Supply Cabinets (Used)

4. Recommendation of the City Attorney for Settlement of the following claim:

   a. Lionel Primus, et al v. CCSF, Case No. 108-711, City and County of San Francisco Municipal Court

ART DONATION
TO
SAN FRANCISCO POLICE DEPARTMENT
DOMESTIC VIOLENCE RESPONSE UNIT

SEPTEMBER 25, 1995

Framed oil on canvas "Seascape with Children" (value $225.00)
suggested location over file cabinets between windows
Framed Peggy Hopper signed and numbered ltd edn serigraph "Mana'O" (value $1,495.00)
suggested location over couch in reception area
Framed floral (value $125.00)
suggested location to right of bulletin board over reception desl
Framed Helen Paul print "Black Cat and Love Seat" (value $185.00)
suggested location over computers
Framed Kite serigraph (value $150.00)
suggested location in hallway
Framed Walt Disney serigraph "Mickey Mouse: Ye Olden Days" (value $375.00)
suggested location in interview room
Framed Walt Disney serigraph "Donald Duck: Donald's Golf Game" (value $375.00)
suggested location in interview room
Framed Ansel Adams print "Yosemite" (value $130.00)
suggested location in interview room
Framed Noal Betts poster "San Francisco Coit Tower" (value $115.00)
suggested location in interview room
Framed vintage serigraph "The Cookie Vendor" (value $150.00)
for fill in as needed or in hallway
Framed vintage serigraph "The Flower Vendor" (value $150.00)
for fill in as needed or in hallway
Framed Norman Rockwell print "Boy with Puppy" (value $75.00)
for fill in as needed or in hallway

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OCTOBER 4, 1995 **SPECIAL MEETING**

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST POLICE OFFICER GREGORY W. BRESLIN, PARK STATION (FILE NO. C45-070 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Gregory W. Breslin was called at 9:00 a.m., it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Robert Moore, Attorney at Law, appeared on behalf of Officer Gregory W. Breslin.

The following witness was called by the Prosecution, was sworn and testified:

Officer Steven Mooney

The following exhibit was entered for identification by the Prosecution:

Exhibit 4 Copy - booking slip

The following exhibits were entered for identification by the Defense:

Exhibit H Two page Police Report No. 940649594

Exhibit I Drawing

Exhibit J Diagram

Thereafter, the hearing was adjourned at 4:25 p.m. to be continued on Tuesday, October 17, 1995 at 9:00 a.m. and Wednesday, October 18, 1995 at 3:30 p.m.

Recess taken during the hearing of Officer Breslin:

11:00 a.m. to 11:20 a.m.
12:15 p.m. to 2:15 p.m.
3:45 p.m. to 3:55 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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OCTOBER 4, 1995 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION 147-95

APPROVAL TO ACCEPT DONATION OF $100.00 FROM MS. HARRIET ROSS FOR USE OF THE CANINE UNIT

RESOLVED, that the Police Commission hereby approves donation of $100.00 from Ms. Harriet Ross for use of the Canine Unit.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 148-95

APPROVAL TO ACCEPT DONATION OF $500.00 FROM ARMORED TRANSPORT OF CALIFORNIA INC., FOR USE OF THE ROBBERY DETAIL

RESOLVED, that the Police Commission hereby approves donation of $500.00 from Armored Transport of California Inc., for use of the Robbery Detail.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 149-95

APPROVAL TO ACCEPT DONATIONS FOR THE DOMESTIC VIOLENCE RESPONSE UNIT FROM THE FOLLOWING INDIVIDUALS: (A) ANSWERING MACHINE DONATED BY MS. TERRI HANNIGAN & MR. JIM DEGOLIA (B) ONE BLACK LEATHER SWIVEL CHAIR WITH OTTOMAN DONATED BY BEVERLY & JACK IMMENDORF (C) ART DONATIONS, 12 FRAMED PICTURES, DONATED BY ROBERT & PAMELA IMMENDORF OF THE IMMENDORF GALLEY (D) MISCELLANEOUS COLLECTION OF TOYS, DONATED BY AND ARRANGED THROUGH ANATEX AND DARDA-HEROES BY CARYL ITO (E) ONE BROWN LEATHER SOFA, DONATED BY MARY JUNG (F) OFFICE FURNITURE DONATED BY MICHAEL WARNER OF OFFICE FURNITURE WAREHOUSE SALES

RESOLVED, that the Police Commission hereby approves the following donations to the Domestic Violence Response Unit:

a. Answering Machine donated by Ms. Terri Hannigan & Mr. Jim DeGolia, estimated value of $150.00

b. One Black Leather Swivel Chair with Ottoman donated by Beverly and Jack Immendorf, estimated value of $435.00

c. Art Donations, 12 Framed Pictures, donated by Robert and Pamela Immendorf of the Immendorf Gallery, estimated value of $3,550.00

d. Miscellaneous Collection of Toys, donated by and arranged through Anatex and Darda-Heroes by Caryl Ito, estimated value of $500.00

e. One Brown Leather Sofa, donated by Mary Jung, estimated value of $3,000.00

f. Office Furniture donated by Michael Warner of Office Furniture Warehouse Sales, estimated value of $2000.00:

Ergonomic Computer/Desk Chairs (New)	12 Cushioned Chairs (Used)
1 Maple Desk (Used)	4 Free Standing Partitions (Used)
6 File Cabinets (Used)	2 Supply Cabinets (Used)
1 Conference Table (Used)	

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 150-95

LIONEL PRIMUS, et al v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Lionel Primus, et al v. CCSF" in Municipal Court No. 108-711 for damages sustained, be, and the same is hereby approved.

Date of Incident: September 4, 1993

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett asked to calendar status report from the In-Custody Death Task Force.

Commissioner Low announced that the disciplinary charges filed against Kelvin Tso has been reassigned to him.

RESOLUTION NO. 139-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE IN THE APPEAL OF CHIEF'S SUSPENSION IMPOSED ON OFFICER SEVERO FLORES, POTRERO STATION (FILE NO. D45-283 JWA)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the appeal of Chief's Suspension imposed on Officer Severo Flores, Potrero Station, was called it having been set for this date; and

WHEREAS, Commissioner Wayne Friday is hereby assigned to conduct taking of evidence in the appeal of Chief's Suspension imposed on Officer Flores; therefore be it

RESOLVED, that Commissioner Friday is hereby assigned to conduct taking of evidence in the appeal of Chief's Suspension imposed on Officer Severo Flores, and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE CHARGES FILED AGAINST OFFICER JAMES F. DOUGHERTY, PARK STATION (FILE NO. C56-014 JWA)

Put over one week for disposition.

RESOLUTION NO. 140-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER MARY ESPINOZA, SUPPORT SERVICES (FILE NO. C56-010 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to

conduct taking of evidence in the disciplinary charges filed against Police Officer Mary Espinoza, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Annemarie Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Espinoza; therefore be it

RESOLVED, that Commissioner Conroy is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Mary Espinoza and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 141-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE FOR TAKING OF EVIDENCE ON CHARGES FILED AGAINST OFFICER STEVEN J. LANDI, SUPPORT SERVICES (FILE NO. C56-044 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Police Officer Steven J. Landi, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Clothilde Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Landi; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Steven J. Landi and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera advised the Commission that the Crime Symposium will be held in conjunction with USF on October 5th and 6th; discussion concerning Community Policing, FRET Program and Matrix. He also discussed with the Commission that he received a phonecall from Joe Capp regarding training in the department. The Chief said he would follow-up and report back to the Commission at a later date.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, OCC Director, discussed and thanked the Commission and the Chief for their support. He also indicated he would be out of town on Friday October 6th.

REQUEST FOR APPROVAL OF RECOMMENDATION FOR THE OFFICE OF CITIZEN COMPLAINTS TO LEASE FACILITIES LOCATED AT 480 SECOND STREET

Director Bayer discussed the move of the OCC from their present Harrison Street office to 480 2nd Street and asked for the Commission's approval for the move. Motion by Commissioner Hewlett, second by Commissioner Friday. Approved 5-0.

RESOLUTION NO. 142-95

AUTHORIZATION TO LEASE REAL PROPERTY LOCATED AT 480 SECOND STREET ON BEHALF OF CITY, AS LESSEE, FOR THE USE OF THE OFFICE OF CITIZEN COMPLAINTS

WHEREAS, the Office of Citizen Complaints requires a secure adequate

working environment; and

WHEREAS, the current building housing the Office of Citizen Complaints at 760 Harrison Street does not provide such security; and

WHEREAS, the building at 760 Harrison Street has been sold in foreclosure and the current lease voided thereby; and

WHEREAS, the Department of Real Estate has served notice on the prior owner of termination of the lease at 760 Harrison Street; and

WHEREAS, the Department of Real Estate of the City and County of San Francisco has agreed to the necessity of relocating the Office of Citizen Complaints and has approved the new site;

BE IT RESOLVED, this Commission has approved the relocation of the Office of Citizen Complaints to a new location at 480 Second Street; and

BE IT FURTHER RESOLVED, this Commission recommends the Board of Supervisors adopt legislation authorizing said relocation.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PRESENTATION OF OCC MONTHLY STATISTICAL SUMMARY, AUGUST 1995

Director Lance Bayer presented the August 1995 statistics.

John Crew, ACLU, complimented the OCC on the timely release of the stats and discussed concerns on how cases are dropped. He also suggest that a status report on cases sent to the department and sustained cases be given to the Commission.

Commissioner Low then asked Lance Bayer to provide the Commission with the status report on sustained cases which are forwarded to the Chief.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPROPRIATE $398,676 FROM THE SAN FRANCISCO TRAFFIC OFFENDER PROGRAM, A SPECIAL REVENUE FUND

Sergeant William White, Traffic, presented the request for the Traffic Offender Program. Motion by Commissioner Hewlett, second by Commissioner Conroy. Request approved 5-0.

RESOLUTION NO. 143-95

APPROVAL TO APPROPRIATE $398,676 FROM THE SAN FRANCISCO TRAFFIC OFFENDER PROGRAM, A SPECIAL REVENUE FUND

WHEREAS, an administrative fee may be collected from owners of vehicles pursuant to Sections 22651(h), 22651(p), 22655.5 or 22850.5 of the California Vehicle Code, and;

WHEREAS, the Board of Supervisors of the City and County of San Francisco has authorized the collection of an administrative fee by Ordinance number 292-94, on April 4, 1994, which created the San Francisco Traffic Offender (STOP) Program, a Special Revenue Fund, and;

WHEREAS, approximately $435,000 has been collected in the Special Revenue Fund, and;

WHEREAS, the STOP Program has certain start up and on going expenses; now therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation

(Appendix I, Attachment 1) of $398,676 to cover various start up and ongoing costs for the STOP Program.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO APPROPRIATE $49,156 FROM THE NARCOTICS SEIZURE AND ASSET FORFEITURE FUND, A SPECIAL REVENUE FUND, FOR ANTI-NARCOTICS EDUCATION PROGRAMS

Officer Colleen Fatooh presented the request on behalf of the Chief. Motion by Commissioner Hewlett, second by Commissioner Conroy. Matter approved 5-0.

RESOLUTION NO. 144-95

APPROVAL TO APPROPRIATE $49,156 FROM THE NARCOTICS SEIZURE AND ASSET FORFEITURE FUND, A SPECIAL REVENUE FUND, FOR ANTI-NARCOTICS EDUCATION PROGRAMS

WHEREAS, the Police Department wishes to appropriate funds from the Narcotics Seizure and Asset Forfeiture Fund, and;

WHEREAS, the funds are requested for anti-drug educational programs in the following locations: Mission Playground, Newcomer High School, Mission High School, and Galileo High School, and;

WHEREAS, it is our goals to improve relations between students and officers, reduce criminal activities, and create safer school sites; now therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation (Appendix I, Attachment 1) of $49, 156 to cover overtime costs related to this program.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

STATUS REPORT FROM IN-CUSTODY TASK FORCE

Commander Holder presented status report on In-Custody Task Force and discussed problems with the eye irrigation which is being looked at. He is also reviewing recommendation of the Sullivan letter from the attorney of the Sullivan family. He further discussed cultural awareness.

Commissioner Low then recommended that the department publicly release the information gathered by the In-Custody Task Force.

John Crew, ACLU, commends the Task Force for their efforts in the report and also discussed methodology of the report.

Commissioner Low then indicated that the Police Commission will wait for the formal preliminary report and then calendar for further discussion.

Commander Holder also discussed concerns regarding eyewash after pepper spray and also problems with storing the eyewash solution.

John Crew then addressed the topic of excited delirium.

Lieutenant Benner responded and indicated the department is looking at all information and is reviewing all input regarding that subject.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 5.01, "USE OF FORCE"

Commander Holder addressed and discussed and presented General Order 5.01, Use of Force.

John Crew, ACLU, discussed the importance of immediate issuance of the order and also discussed a one second burst of pepper spray. He also asked for a status report at a future date regarding the use of force and he also inquired as to the department looking into discipline regarding lack of compliance in the general orders and members counselled regarding their actions.

After discussion, motion by Commissioner Hewlett, second by Commission Rodriguez. Approved 5-0.

RESOLUTION NO. 145-95

APPROVAL OF REVISED GENERAL ORDER 5.01, "USE OF FORCE"

RESOLVED, that the Police Commission hereby approves and adopts revised General Order 5.01, "Use of Force".

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olesen discussed recruitment criteria of new officers and knowledge of the new general orders.

HEARING OF POLICE SERGEANT NANCY BREWER, POTRERO STATION
(FILE NO. C45-264 RLC)

The hearing of Sergeant Nancy Brewer, Potrero Station, was called it having been set for this date. Sergeant Brewer was charged with violating the Rules and Procedures as foliows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation on Rule 9 of General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Carrying a weapon while intoxicated (violation of Rule I.A.4. of General Order 2.04 of San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Sergeant Nancy Brewer appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

Mr. Richard Corriea, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Pendergast entered a plea of no contest on Specifications No. 1, 2 and 3 on behalf of Sergeant Brewer. Sergeant Brewer personally affirmed entry of a no contest plea in these matters.

Based on Sergeant Brewer's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Sergeant Brewer be suspended for ninety (90) days; sixty (60) days held in abeyance for two years and participation in an Alcohol Recovery Program.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 146-95

DECISION - HEARING OF SERGEANT NANCY BREWER, POTRERO STATION (FILE NO. C45-264 RLC)

WHEREAS, on August 25, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Nancy Brewer as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of General Order 2.01 of the San Francisco Police Department).

(1) At all times herein mentioned, Sergeant Nancy Brewer, Star Number 548, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Field Operations Bureau, Potrero Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On February 20, 1995, the accused was off-duty driving her personal vehicle southbound on State Route One in Half Moon Bay, California;

(4) On February 20, 1995, at approximately 1830 hours, the accused was driving her vehicle at approximately 40 miles per hour on the shoulder of State Route One, whereupon she drove her vehicle into the rear end of a legally parked vehicle;

(5) On February 20, 1995, at approximately 1910 hours, members of the Half Moon Bay Police Department arrived at the location of the collision on State Route One, and commenced an investigation. The investigating officer noted that the accused had the strong odor of alcoholic beverage on her breath, slurred speech, blood shot and watery eyes, and that she was uncooperative;

(6) On February 20, 1995, at approximately 2007 hours, the investigating officer arrested the accused for driving under the influence of alcohol, a violation of section 23152(a) of the California Vehicle Code, which states:

"23152(a) It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle."

(7) On February 20, 1995, an investigator from the Management Control Division of the San Francisco Police Department responded to Seton Medical Center and directed the accused to submit a urine sample. Said urine sample was transported for testing to the Chemical Toxicology Institute in Foster City, California;

(8) On February 27, 1995, the Chemical Toxicology Institute submitted the results of its testing. The urine sample collected from the accused on February 20, 1995 tested positive for Ethanol at a level of 0.27 percent;

(9) The accused by operating a motor vehicle on a public highway while intoxicated, has engaged in conduct of a criminal nature which is punishable as a misdemeanor under section 23152(a) of the

California Vehicle Code, and has engaged in conduct which violates Rule 9 of General Order 2.01 of the San Francisco Police Department, which states:

"Rule 9. Misconduct. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation on Rule 9 of General Order 2.01 of the San Francisco Police Department);

(10) Each and every allegation contained in paragraphs (1) through (7) of Specification No. 1 above is incorporated herein by this reference and is realleged as though set forth in full;

(11) On February 20, 1995, after being arrested for driving under the influence of alcohol, a violation of California Vehicle Code section 23152(a), the accused was requested by the investigating officer to submit to chemical testing of her blood, breath, or urine pursuant to California Vehicle Code section 23157(a)(1) for the purpose of determining her blood alcohol level. California Vehicle Code section 23157(a)(1), in pertinent part states:

"23157(a)(1). Any person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood, breath, or urine for the purpose of determining the alcoholic content of his or her blood, and to have given his or her consent to chemical testing of his or her blood, if lawfully arrested for any offense allegedly committed in violation of section 23140, 23152, or 23153. The testing shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe the person was driving a motor vehicle in violation of section 23140, 23152, or 23153."

(12) On February 20, 1995, after being requested to submit to chemical testing of her blood, breath, or urine, to determine her blood alcohol level, the accused refused to submit to any such test;

(13) The accused, by refusing to submit to a chemical test of her blood, breath, or urine after being directed to do so pursuant to California Vehicle Code section

23157(a)(1), has engaged in conduct which reflects discredit on the Department, and which violates Rule 9 of General Order 2.01, of the San Francisco Police Department, which states:

"Rule 9. Misconduct. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 3

Carrying a weapon while intoxicated (violating of Rule I.A.4. of General Order 2.04 of the San Francisco Police Department);

(14) Each and every allegation contained in paragraphs (1) through (9) of Specification No. 1 above are incorporated herein by this reference and realleged as though set forth in full;

(15) At said times and places alleged in Specification No. 1 above, the accused was carrying a loaded weapon in the vehicle;

(16) The accused, by carrying a weapon while intoxicated, has engaged in conduct which violates Rule I.A.4, of General Order 2.04 of the San Francisco Police Department, which states:

"INTOXICATION. A member shall not be intoxicated at any time while on-duty or while carrying a weapon."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 4, 1995 and the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Sergeant Nancy Brewer's plea of no contest, the Commission finds that the allegations contained in Specifications No. 1, 2 and 3, as preferred by Chief Anthony D. Ribera against Sergeant Nancy Brewer are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

SPECIFICATION NO. 3

Sustain

Ninety (90) day suspension; sixty (60) days held in abeyance for two years; thirty (30) days actual suspension and participation in the Department's Alcohol Recovery Program pursuant to General Order 11.11.

RESOLVED, that thirty (30) days suspension shall commence on Tuesday, October 10, 1995 at 0001 hours and end on Wednesday, November 8, 1995 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedures.

AYES: Commissioners Conroy, Friday, Hewlett, Low Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 7:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 11, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer James S. Acevedo, Support Services (File No. C56-054 RLC)
6. Presentation of Certificate of Appreciation, from the Police Commission and the Chief of Police, to Ms. Rozario Navarette
7. Chief's Report to the Police Commission
8. OCC Director's Report to the Police Commission
9. Presentation on Police Mediation by Officer Gary Margolis, Training Specialist, Vermont Criminal Justice Council
10. Discussion and Action re: Proposition Q, "Neighborhood Crime Prevention Program"
11. Status Report from In-Custody Task Force
12. Discussion and Action re: Revised General Order 3.10, "Weapon Discharge Review Board"

The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 11, 1995

PUBLIC SESSION

13. Discussion and Action re: Revised General Order 5.02, "Use of Firearms"

14. Discussion and Action re: Adoption of General Order 8.11, "Officer Involved Shooting"

15. Discussion and Action re: Amendments to Municipal Police Code (Permit Fees), Sections 6.402 and 7.704

16. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

17. Hearing on Charges Filed Against Officer James F. Dougherty, Park Station (File No. C56-014 JWA)

18. Hearing on Charges Filed Against Officer Steven L. Hutzler, Academy (File No. C45-270 JWA)

19. Hearing on Charges Filed Against Officer Robert Velarde, Northern Station (File C45-134 BSK)

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 11, 1995

CONSENT CALENDAR

1. Recommendation of the City Attorney for Settlement of the following claims:

   a. Susan Khaw v. City and County of San Francisco, Unlitigated Claim #94-03137
   b. Henry Loo v. City and County of San Francisco, Unlitigated Claim #94-03093

2. Request for Approval to Accept Donation of Video Equipment from Mr. George J. Engler for Use in the Tactical Command Vehicle

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OCTOBER 11, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:50 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 156-95

SUSAN KHAW v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Susan Khaw v. City and County of San Francisco" in unlitigated claim #94-03137 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1995

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 157-95

HENRY LOO v. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Henry Loo v. City and County of San Francisco" in unlitigated claim #94-03093 for damages sustained, be, and the same is hereby approved.

Date of Incident: January 22, 1995

RESOLUTION NO. 158-95

APPROVAL TO ACCEPT DONATION OF VIDEO EQUIPMENT FROM MR. GEORGE J. ENGLER FOR USE IN THE TACTICAL COMMAND VEHICLE

RESOLVED, that the Police Commission hereby approves the request of Captain Lawrence Minasian to accept donation of video equipment from Mr. George J. Engler, valued at approximately $1,620.99, for use in the Tactical Command Vehicle.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced no meeting on the 18th of October.

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST OFFICER JAMES S. ACEVEDO, SUPPORT SERVICES (FILE NO. C56-054 RLC)

Jim Collins, attorney for Officer Acevedo, asked that the matter be heard by the full Commission and that the matter trail the criminal charges pending.

Commissioner Low asked that Mr. Collins submit a waiver of time and that he would monitor the criminal case.

RESOLUTION NO. 151-95

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE ON ADDITIONAL CHARGES FILED AGAINST OFFICER JAMES S. ACEVEDO, SUPPORT SERVICES (FILE NO. C56-054 RLC)

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer James S. Acevedo, Support Services, was called it having been set for this date; and

WHEREAS, Commissioner Harry Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Acevedo; therefore be it

RESOLVED, that Commissioner Low is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer James S. Acevedo and is to be set at a later date.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PRESENTATION OF CERTIFICATE OF APPRECIATION, FROM THE POLICE COMMISSION AND THE CHIEF OF POLICE, TO MS. ROZARIO NAVARETTE

Chief Ribera, Commissioner Hewlett and Commissioner Conroy presented a certificate of appreciation to Ms. Rosario Navarette of the Commission on Status of Women for her efforts in assisting the Domestic Violence Unit. Commissioner Hewlett and Commissioner Conroy also commends Ms. Navarette and the Commission on Status of Women for their work.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera updated the Commission on Domestic Violence Unit and the unit's grand opening held on October 2nd. He also indicated that before an expansion of the unit, Lieutenant Tong will look in to the needs of the unit.

Commissioner Hewlett then discussed and recommended that they review the number of officers assigned or needed after January when all the Academy classes and recruits have completed their academy training.

She also discussed problems with provisional appointments and will keep the Commission advised.

Commissioner Conroy then discussed dissemination of information to the public regarding domestic violence.

Chief Ribera then indicated he would be out of state attending the International Association of Chiefs' conference.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Lance Bayer stated presently 17 cases from 1994 still under investigation and there are none older than that. He stated he completed the investigation on the death of Aaron Williams and letters will be sent to the complainants and the officers. He also stated there were allegations of unnecessary force and unwarranted actions.

PRESENTATION ON POLICE MEDIATION BY OFFICER GARY MARGOLIS, TRAINING SPECIALIST, VERMONT CRIMINAL JUSTICE COUNCIL

Officer Gary Margolis, Vermont Criminal Justice Council, gave a presentation to the Commission and discussed their mediation procedures.

DISCUSSION AND ACTION RE: PROPOSITION Q, "NEIGHBORHOOD CRIME PREVENTION PROGRAM"

Katherine Feinstein, Director Mayor's Criminal Justice Council, described Proposition Q, the Neighborhood Crime Prevention Program, and asked the Commission for approval. Motion by Commissioner Hewlett, second by Commissioner Friday. Request approved 5-0.

RESOLUTION NO. 152-95

APPROVAL OF RECOMMENDATION OF THE MAYOR'S CRIMINAL JUSTICE COUNCIL FOR AWARDING OF A CONTRACT FOR THE PROVISION OF CRIME PREVENTION SERVICES PURSUANT TO PROPOSITION Q - THE NEIGHBORHOOD CRIME PREVENTION PROGRAM TO THE SAN FRANCISCO SAFE, INC.

WHEREAS, Proposition Q was approved by voters in November of 1994 and required the City to fund neighborhood crime prevention efforts;

WHEREAS, San Francisco SAFE has nineteen years of experience in providing comprehensive crime prevention, education and community organizing services as necessitated by the City's crime trends;

WHEREAS, the funding from Proposition Q will allow SAFE and their collaborators to create a new program to address crime and violence trends and enhance the current crime prevention services throughout the city by working in each police district;

WHEREAS, the Mayor's Criminal Justice Council, MCJC, unanimously recommend that the San Francisco SAFE, Inc., collaborative be awarded the entire contract amount of $800,000; therefore be it

RESOLVED, that the Police Commission hereby approves the recommendation of the Mayor's Criminal Justice Council to award San Francisco SAFE the entire contract amount of $800,000 pursuant to Proposition Q - the Neighborhood Crime Prevention Program.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

STATUS REPORT FROM IN-CUSTODY TASK FORCE

Over to November 1st.

Michael Adams, attorney for Bryan Sullivan's family, talked of the suit settlement with the City and asked further study on in-custody deaths.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.10, "WEAPON DISCHARGE REVIEW BOARD"

Over to November 1st.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 5.02, "USE OF FIREARMS"

Over to November 1st.

DISCUSSION AND ACTION RE: ADOPTION OF GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTING"

Over to November 1st.

Katherine Feinstein, Director Mayor's Criminal Justice Council, described Proposition Q, the Neighborhood Crime Prevention Program, and asked the Commission for approval. Motion by Commissioner Hewlett, second by Commissioner Friday. Request approved 5-0.

RESOLUTION NO. 152-95

APPROVAL OF RECOMMENDATION OF THE MAYOR'S CRIMINAL JUSTICE COUNCIL FOR AWARDING OF A CONTRACT FOR THE PROVISION OF CRIME PREVENTION SERVICES PURSUANT TO PROPOSITION Q - THE NEIGHBORHOOD CRIME PREVENTION PROGRAM TO THE SAN FRANCISCO SAFE, INC.

WHEREAS, Proposition Q was approved by voters in November of 1994 and required the City to fund neighborhood crime prevention efforts;

WHEREAS, San Francisco SAFE has nineteen years of experience in providing comprehensive crime prevention, education and community organizing services as necessitated by the City's crime trends;

WHEREAS, the funding from Proposition Q will allow SAFE and their collaborators to create a new program to address crime and violence trends and enhance the current crime prevention services throughout the city by working in each police district;

WHEREAS, the Mayor's Criminal Justice Council, MCJC, unanimously recommend that the San Francisco SAFE, Inc., collaborative be awarded the entire contract amount of $800,000; therefore be it

RESOLVED, that the Police Commission hereby approves the recommendation of the Mayor's Criminal Justice Council to award San Francisco SAFE the entire contract amount of $800,000 pursuant to Proposition Q - the Neighborhood Crime Prevention Program.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

STATUS REPORT FROM IN-CUSTODY TASK FORCE

Over to November 1st.

Michael Adams, attorney for Bryan Sullivan's family, talked of the suit settlement with the City and asked further study on in-custody deaths.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.10, "WEAPON DISCHARGE REVIEW BOARD"

Over to November 1st.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 5.02, "USE OF FIREARMS"

Over to November 1st.

DISCUSSION AND ACTION RE: ADOPTION OF GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTING"

Over to November 1st.

DISCUSSION AND ACTION RE: AMENDMENTS TO MUNICIPAL POLICE CODE (PERMIT FEES)

Officer Farrell Suslow, Permit Section, presented amendments to Municipal Code. Motion by Commissioner Friday, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 153-95

AMENDMENTS TO MUNICIPAL POLICE CODE (PERMIT FEES), SECTIONS 6.402 AND 7.704

WHEREAS, San Francisco Charter Sections 6.402 and 7.704 require that fees charged for the issuance and regulation of permits and licenses be equal to the cost of such issuance and regulation; and

WHEREAS, the Taxi and Permit Sections have prepared and submitted a schedule of fees reflecting current costs; therefore be it

RESOLVED, that the attached proposed ordinance amending Municipal Police Code Sections 2.26, 2.26.1, 2.27 and 2.27.1 is hereby transmitted to the Board of Supervisors for adopted.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olesen discussed concerns.
Unidentified, discussed concerns regarding allegations of harassment.
Louise Vaughn discussed concerns regarding Aaron Williams' case.
Gregory Williams asked the Commission to order investigation on amount of money to settle brutality complaints between 1988 to 1995.
John Crew, ACLU, inquired regarding the delay in the training video regarding intelligence gathering.

HEARING OF POLICE OFFICER JAMES F. DOUGHERTY, PARK STATION (FILE NO. C56-014 JWA)

The hearing of Police Officer James F. Dougherty, Park Station, was called it having been set for this date. Officer Dougherty was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (violation of Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Ms. Katherine M. Mahoney, Attorney at Law, appeared on behalf of Officer James F. Dougherty, and entered a Waiver of Rights and Plea in Absentia on behalf of Officer Dougherty.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on Specifications No. 1 and 2 on behalf of Officer Dougherty.

Based on Officer Dougherty's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief that Officer Dougherty be suspended for forty-five (45) days and enrollment in the Department's Alcohol Recovery Program for up to three (3) years as determined by the Commanding Officer of the Personnel Division.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 154-95

DECISION - HEARING OF OFFICER JAMES F. DOUGHERTY, PARK STATION (FILE NO. C56-014 JWA)

WHEREAS, on September 21, 1995, Deputy Chief Frank Reed, Acting Chief of the San Francisco Police Department, made and served charges against Police Officer James F. Dougherty, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, the accused was and is a police officer, employed by the San Francisco Police Department; and was assigned to the Park Police District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On June 9, 1995, at or about 1530 hours, the accused operated his motor vehicle southbound on Interstate Highway 280 near the Magdalena on-ramp in an unincorporated area near the City of Cupertino, County of Santa Clara, State of California; another driver noticed his erratic driving and using a cellular telephone called the California Highway Patrol to report the accused as a probable intoxicated driver;

(4) On June 9, 1995, at or about 1530 hours, the accused crashed his automobile into the rear portion of a pickup truck also driving southbound on Highway 280 near the Magdalena on-ramp in an unincorporated area near the City of Cupertino, County of Santa Clara, State of California; the accused did not stop, but continued driving southbound evading other cars trying to attract his attention and get him to stop; the collision cause approximately $3,900.00 damage to the pickup truck;

(5) The driver of the pickup truck in the above collision followed the accused and wrote down his automobile license number; the accused finally pulled off of Interstate Highway 280 on the Foothill Boulevard off-ramp near Cupertino; on June 9, 1995, at 1700 hours, officers from the California Highway Patrol were dispatched and responded to Cristo Rey Drive, North of Foothill Boulevard where the accused was

stopped in his vehicle; after interviewing the accused, observing his performance of sobriety tests and administering a Preliminary Alcohol Screening Test, the California Highway Patrol Officer determined that the accused was intoxicated and arrested the accused for violation of California Vehicle Code sections 23152(a) and 20002(a);

(6) On the way to the police facility for testing, the accused at first agreed and then refused to perform an Intoxilyzer breath test; the accused then also refused either a blood or urine test; the Preliminary Alcohol Screening Test which showed that the accused's blood alcohol level at 1657 hours was .125%;

(7) The accused, by leaving the scene of an automobile collision in violation of California Vehicle Code section 20002(a) operating a motor vehicle while under the influence of alcohol in violation of California Vehicle Code section 23152(a) has engaged in conduct which violates Rule 9 of Department General Order 2.01 of the San Francisco Police Department which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (violation of Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department);

(8) Paragraphs (1) through (7) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(9) At said times and places alleged in Specification No. 1 above, the accused was carrying three loaded guns in his vehicle with him; one handgun and one rifle were in the trunk and the California Highway Patrol Officer located the accused's 9mm Beretta handgun under the driver's seat of the accused's automobile;

(10) The accused by carrying a weapon off-duty while intoxicated violated Rule 3 of Department General Order 2.01 and Rule I-A-3 of Department General Order 2.02 of the San Francisco Police Department, which states:

"3. MAINTAINING FIT CONDITION. Officers shall, while carrying a firearm off-duty or while acting in the capacity of a peace officer, maintain themselves in a fit condition to perform police duties."

"I-A-3. A member shall not be intoxicated at any time while on-duty or while carrying a weapon."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on

Wednesday, October 11, 1995 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Dougherty's plea of no contest, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Acting Chief of Police Frank Reed against Officer James F. Dougherty are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

Forty-five (45) day suspension and enrollment in the department's Alcohol Recovery Program, pursuant to Department General Order 11.11, for up to three (3) years as determined by the Commanding Officer of the Staff Services Division;

RESOLVED, that said forty-five (45) day suspension will begin on Thursday, October 12, 1995, at 0001 hours and end on Saturday, November 25, 1995 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STEVEN L. HUTZLER, POLICE ACADEMY (FILE NO. C45-270 JWA)

The hearing of Police Officer Steven L. Hutzler, Police Academy, was called it having been set for this date. Officer Hutzler was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Steven L. Hutzler appeared in person and was represented by Mr. Robert Moore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Wednesday, October 11, 1995 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Dougherty's plea of no contest, the Commission finds that the allegations contained in Specifications No. 1 and 2, as preferred by Acting Chief of Police Frank Reed against Officer James F. Dougherty are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain

SPECIFICATION NO. 2

Sustain

Forty-five (45) day suspension and enrollment in the department's Alcohol Recovery Program, pursuant to Department General Order 11.11, for up to three (3) years as determined by the Commanding Officer of the Staff Services Division;

RESOLVED, that said forty-five (45) day suspension will begin on Thursday, October 12, 1995, at 0001 hours and end on Saturday, November 25, 1995 at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STEVEN L. HUTZLER, POLICE ACADEMY (FILE NO. C45-270 JWA)

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SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Steven L. Hutzler appeared in person and was represented by Mr. Robert Moore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Akins entered a motion to amend charges. Motion was granted by the Commission.

Mr. Robert Moore entered a plea of no contest on Specification No. 1 on behalf of Officer Hutzler. Officer Hutzler personally affirmed entry of a no contest plea in these matters.

Based on Officer Hutzler's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief that Officer Hutzler be suspended for thirty (30) days and participate in the Department's Alcohol Recovery Program, pursuant to Department General Order 11.11.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 155-95

DECISION - HEARING OF OFFICER STEVEN L. HUTZLER, POLICE ACADEMY (FILE NO. C45-270 JWA)

WHEREAS, on May 30, 1995, Anthony D. Ribera, Chief of Police of the San Francisco Police Department, made and served charges against Officer Steven L. Hutzler, as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule 9 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, the accused was and is a police officer, employed by the San Francisco Police Department; and was assigned to the Police Academy;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On March 4, 1995, at or about 0240 hours, the accused, while off-duty, operated his motor vehicle westbound on Sir Francis Drake Boulevard west of Highway 101 near the city of Kentfield, County of Marin, State of California;

(4) On March 4, 1995, at 0240 hours, the accused **gently** collided with another automobile which was also driving westbound on Sir Francis Drake Boulevard; the accused did not stop, but continued driving to his residence in Fairfax, California, and went to bed;

(5) The driver of the other automobile in the above collision followed the accused and wrote down his automobile license number, he then called the California Highway Patrol to report the accident. Officers from the California Highway Patrol determined the accused's home address from the license number provided by the other driver; on March 4, 1995, at 0330 hours, the officers responded to the accused's residence; after interviewing the accused and observing his performance of sobriety tests, the California Highway Patrol Officers determined that the accused was intoxicated and arrested the accused for violation of California Vehicle Code sections 23152(a) and 2002(a);

(6) The accused was taken to the Marin County Hall of Justice where he

elected to perform the Intoxilyzer breath test; the test results quantified the level of alcohol in his blood as .011% at 0458 hours and .011% at 0459 hours; California Vehicle Code section 23152(b) prohibits driving a motor vehicle in California with .008% or more of alcohol in the blood;

(7) The accused, by operating a motor vehicle while under the influence of alcohol in violation of California Vehicle Code sections 23152(a) and 23152(b), has engaged in conduct which violates Rule 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"MISCONDUCT. Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial tot he efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, October 11, 1995 where the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Hutzler's plea of no contest, the Commission finds that the allegations contained in Specification No. 1, as preferred by Chief of Police Anthony D. Ribera against Officer Steven L. Hutzler are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain - Thirty (30) day suspension and enrollment in the department's Alcohol Recovery Program, pursuant to Department General Order 11.11;

RESOLVED, that said thirty (30) day suspension will begin on Saturday, December 16, 1995, at 0001 hours and end on Sunday, January 14, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON CHARGES FILED AGAINST OFFICER ROBERT VELARDE, NORTHERN STATION (FILE NO. C45-134 BSK)

Put over to November 1st.

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

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OCTOBER 18, 1995 **SPECIAL MEETING**

A Procedural Hearing for the taking of evidence was conducted by Commissioner Wayne Friday on Wednesday, October 18, 1995:

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER SEVERO N. FLORES (FILE NO. D45-288 JWA)

The hearing for taking of evidence in the appeal of the Chief's Suspension of Officer Severo Flores, Potrero Station, was called at 2:00 p.m., it having been set for this date.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Dean Sorgie and Officer John Sanford appeared on behalf of Officer Severo Flores.

A motion to exclude witnesses was granted by Commissioner Friday.

Opening statements were made by Mr. Kapsack and Officers Sorgie and Sanford.

The following witnesses were called by the Prosecution, were sworn and testified:

Ms. Belinda Fobbs
Sergeant Al Pardini, Management Control Division

The following witness was called by the Defense, was sworn and testified:

Officer Severo Flores

The following exhibit was entered for identification by the Defense:

Exhibit A Copy of General Order 6.09 dated July 27, 1994

Recess taken during the hearing of Officer Flores:

2:00 p.m. to 2:05 p.m:
2:30 p.m. to 2:40 p.m.
3:25 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on Wednesday, October 18, 1995. The next meeting will be on Wednesday, October 25, 1995, at 6:00 p.m., in the Taraval District, at Abraham Lincoln High School Auditorium, Quintara at 23rd Avenue.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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Taraval Police Station
Cordially Invites You to Attend A

POLICE COMMISSION MEETING

In the Sunset District
at the

ABRAHAM LINCOLN HIGH SCHOOL AUDITORIUM

QUINTARA AT 23RD AVENUE

Wednesday, OCTOBER 25TH
6:00 p.m.

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Meet the Commissioners
&
Express your Concerns

For More Information call
Captain John Portoni
Sergeant Ted Bell
Officer Tom Taylor
(415) 553-1612

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 25, 1995

TARAVAL DISTRICT
ABRAHAM LINCOLN HIGH SCHOOL AUDITORIUM
Quintara at 23rd Avenue

PUBLIC SESSION

6:00 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Captain John Portoni, Commanding Officer Taraval Station, to Address the Commission on Police Activities in the Taraval District
8. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
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Commissioner

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Commissioner

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Commissioner

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Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, OCTOBER 25, 1995

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation from Cable Car Charters, of a Motorized Car Shuttle to be Used for High Ranking Law Enforcement Officials while Attending the Department's Crime Symposium, estimated value of $880.00

2. Request of Sergeant Lynne Torres for Approval to Accept Donation of Computer Equipment, IBM Computer & Printer and IBM Fax, estimated value of $2900.00, for use of the Psychiatric Liaison Unit

3. Request of the Chief of Police for Approval of Taxicab Owners Permit for the following individuals:

   Mr. Paul K. Chan
   Mr. Kin K. Fong

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

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OCTOBER 25, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met at the Police Academy, at 6:45 p.m. for a Regular Meeting

PRESENT: Commissioners Conroy, Friday, Low, Rodriguez
ABSENT: Commissioner Hewlett

Commissioner Low opened the meeting and apologized for the mix-up and change of location from Lincoln High School to the Academy due to the fact that Lincoln High School does not meet the requirement for ADA Accessibility.

He then introduced the Commissioners, the Chief and Captain Portoni of the Ingleside District.

APPROVAL OF THE CONSENT CALENDAR

Motion by Commissioner Conroy, second by Commissioner Friday. Consent Calendar put over one week to November 1st.

POLICE COMMISSIONER REPORT

No matter to be calendared.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera greeted the audience and discussed concerns regarding district boundaries. He also stated that redistricting considerations will be put over until the new Bayview Station is completed.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director, Lance Bayer, described duties and responsibilities of the OCC.

CAPTAIN JOHN PORTONI, COMMANDING OFFICER TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain John Portoni thanked the community for attending and described the area of responsibility of the Taraval Station. He also discussed staffing and current concerns.

PUBLIC COMMENTS

Minnie Ward, OMI, commended Captain Portoni and the officers of Taraval.

Vilma Wells, OMI resident, asked for more police officers and discussed problems with response of police and stated that more police presence is needed in the OMI area.

Patricia Vaughey discussed number of liquor license and saturation of liquor licenses in the district.

Unidentified commended Captain Portoni and discussed need for more officers and more foot beats in the district.

Commissioner Conroy then addressed the audience regarding their comments and thanked them for their input and concerns.

Thereafter, the meeting was adjourned at 7:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

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Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 1, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Request of the Chief of Police for Approval of the Awards Committee Recommendation
8. Discussion and Action re: Proposed Charter Amendment Regarding Discipline of Police Officers
9. Status Report from In-Custody Task Force
10. Discussion and Action re: Revised General Order 3.10, "Weapon Discharge Review Board"
11. Discussion and Action re: Revised General Order 5.02, "Use of Firearms"
12. Discussion and Action re: Adoption of General Order 8.11, "Officer Involved Shooting"
13. Request of the Chief of Police for Approval of Reorganization of the Department's Criminal Evidence Components

The Police Commission

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Commissioner

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Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 1, 1995

14. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

15. Hearing on Charges Filed Against Officer Robert Velarde, Northern Station (File No. C45-134 BSK)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval to Accept Donation from Cable Car Charters, of a Motorized Car Shuttle to be Use for High Ranking Law Enforcement Officials while Attending the Department's Crime Symposium, estimated value of $880.00

2. Request of Sergeant Lynne Torres for Approval to Accept Donation of Computer Equipment, IBM Computer & Printer and IBM Fax, estimated value of $2900.00, for use of the Psychiatric Liaison Unit

3. Request of the Chief of Police for Approval of Taxicab Owners Permit for the following individuals:

Mr. Paul K. Chan
Mr. Kin K. Fong

4. Request of Lieutenant William Davenport for Approval to Accept Donation of Law Books from Sergeant Richard L. Corriea for Use in the Legal Division Law Library

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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NOVEMBER 1, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioner Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Consent Calendar approved 4-0.

RESOLUTION NO. 163-95

APPROVAL TO ACCEPT DONATION FROM CABLE CAR CHARTERS OF A MOTORIZED CAR SHUTTLE TO BE USED FOR HIGH RANKING LAW ENFORCEMENT OFFICIALS WHILE ATTENDING THE DEPARTMENT'S CRIME SYMPOSIUM

RESOLVED, that the Police Commission hereby approves request of the Chief of Police to accept donation from Cable Car Charters of a motorized car shuttle to be used for high ranking law enforcement officials while attending the department's crime symposium, estimated value of $880.00

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 164-95

APPROVAL TO ACCEPT DONATION OF COMPUTER EQUIPMENT, IBM COMPUTER & PRINTER AND IBM FAX, FOR USE OF THE PSYCHIATRIC LIAISON UNIT

RESOLVED, that the Police Commission hereby approves request of Sergeant Lynne Torres to accept donation of computer equipment, IBM computer and printer, and IBM Fax, for use of the Psychiatric Liaison Unit, estimated value of $2900.00.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 166-95

APPROVAL TO ACCEPT DONATION OF LAW BOOKS FROM SERGEANT RICHARD L. CORRIEA FOR USE IN THE LEGAL DIVISION LAW LIBRARY

RESOLVED, that the Police Commission hereby approves request of Lieutenant William Davenport to accept donation of law books from Sergeant Richard L. Corriea, for use in the Legal Division Law Library.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 165-95

APPROVAL OF TAXICAB OWNERS PERMIT FOR THE FOLLOWING INDIVIDUALS: PAUL K. CHAN AND MR. KIN K. FONG

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, overturned a decision of the Police Commission which found that public convenience and necessity did not require the issuance of new taxicab permits; and

WHEREAS, the Board of Permit Appeals, at its hearing on January 27, 1994, determined that 50 new taxicab permits should be issued and the number of taxicab permits shall be 861; and

WHEREAS, in compliance with the decision of the Board of Permit Appeals, the Police Commission has and will continue to issue new taxicab permits to reach the total number of 861; therefore be it

RESOLVED, that the above named individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permits shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Paul K. Chan and Kin K. Fong.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

POLICE COMMISSION REPORT

Commissioner Low stated next meeting will be November 8th and 15th. There would be no meeting on the 22nd.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera announced the retirement of Mr. Shoji Horikoshi, Director of the Crime Lab. He then presented a plaque for his service to the Department. Chief Ribera also discussed the 938 Harrison case that he had received from the OCC on September 29th. He stated that he has had meetings with Mr. Bayer regarding discipline and that he would be moving forward within the next two weeks. He also stated that he had received a preliminary report regarding the Aaron Williams' case.

Kate Dyer, attorney for complainants 938 Harrison Street, discussed the investigation and discipline cases. She requested that they be brought to the Commission as soon as possible.

John Crew, ACLU, discussed the Chief's statement regarding OCC investigation of 938 Harrison Street and requested the matter move as soon as possible.

Commissioner Friday commented regarding monitoring the case and requested it move as soon as possible.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer, OCC, stated that his office is completing the investigations regarding 1994 cases and that the office will be moving to a new location at 480 Second Street on Tuesday, November 7th. He also stated he has begun reorganization of the office with the eventual increase to eleven investigators.

APPROVAL OF AWARDS COMMITTEE RECOMMENDATION

Motion by Commissioner Friday, second by Commissioner Rodriguez. Approved 4-0.

RESOLUTION NO. 159-95

AWARDS GRANTED TO MEMBERS OF THE SAN FRANCISCO POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 3.09, Section I.A.1, of the San Francisco Police Department, as approved by the Awards Committee on Thursday, October 12, 1995; and

WHEREAS, Chief Anthony D. Ribera has recommended to the Police

Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Timothy Brophy, Sergeant Ed Cota, Sergeant Rene LaPrevotte, Officer Alec Cardenas, Officer Harold Vance, Officer Robert Lynch, Officer Terry Gregory, Officer Henry Yee, Officer John Centurioni, Officer Joan House and Officer Eric Caracciolo are hereby awarded Silver Medals of Valor and granted rewards of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant George Carrington, Sergeant Gile Pursley, Officer James Garrity, Officer Kurt Schneider, Officer John Keane, Officer Kevin Labanowski, Officer Daniel Manning, Officer Darryl Tsujimoto, Officer Andy Ting, Officer Robert Swall, Officer Terry Cottonreader, Officer Dennis Dillard, Officer Joseph Finnigan, Officer Kevin Jow, Officer Richard McNaughton, Officer James Selby, Officer John Kranci, Officer Joseph Carlin, Officer Jerry Donovan, Officer James Deely, Officer John Peterson, Officer Ray Ragona and Officer Steven Mulkeen are hereby awarded the Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Theodore Bell, Sergeant Dennis Callaghan, Sergeant Steve Gudelj, Sergeant Albert Lum, Sergeant Jerry Salvador, Sergeant Dave Shinn, Inspector Mark Gamble, Inspector Steven Lundberg, Inspector Dennis Maffei, Inspector Robert Sudano, Officer Leon Sorhondo, Officer Alec Cardenas, Officer Kevin Dempsey, Officer Edward Ellestad, Officer Ann Mannix, Officer Dino Zografos, Officer Paul Lozada, Officer David Seid, Officer Winfred Jew, Officer Joseph Finigan, Officer Lindsey Suslow, Officer Thomas Lovrin, Officer James Gaan, Officer Juanita Stockwell, Officer John Bourne, Officer Richard Dellagostino, Officer Marshall Wong and Officer Richard Jue are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

DISCUSSION AND ACTION RE: PROPOSED CHARTER AMENDMENT REGARDING DISCIPLINE OF POLICE OFFICERS

Chief Ribera discussed the language regarding Proposed Charter Amendment regarding discipline of police officers is not complete and he will be meeting with the POA and the Human Resources.

Commissioner Hewlett stated that the Commission is against any arbitrations in disciplinary cases.

The matter was then tabled and put over until the Charter Amendment is finalized regarding this.

STATUS REPORT FROM IN-CUSTODY DEATH TASK FORCE

Commander Holder presented status report and discussed general order 5.01 and stated a video is being presented by the committee. Also that the general order when distributed, officers are required to sign receipt. He also discussed diversity training.

DISCUSSION AND ACTION RE: REVISED GENERAL ORDER 3.10, "WEAPON DISCHARGE REVIEW BOARD"

PUBLIC COMMENTS:

Tim Sullivan, brother of Brian Sullivan, stated that the officers should be accountable for their actions in the Bryan Sullivan case.

John Crew, ACLU, discussed concerns regarding follow-up after general order are distributed to members. He also asked the Commission to speed up the study regarding in-custody deaths and asked for an independent study.

Mike Adams, attorney for the Bryan Sullivan family, asked for an independent study regarding in-custody deaths.

Linda Ross, City Attorney, indicated that the City Attorney's Office is looking into settlement issues.

RESOLUTION NO. 167-95

APPROVAL TO RESCIND GENERAL ORDER 3.10, "WEAPON DISCHARGE REVIEW BOARD"

RESOLVED, that the Police Commission hereby approves to rescind General Order 3.10, "Weapon Discharge Review Board."

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

DISCUSSION AND ACTION RE: ADOPTION OF GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTING"

Taken out of order. Commander Holder requested that item No. 10, revised general order 3.10 be taken out of order and 5.02 be approved. 3.10 is taken off calendar

Bruce Kapsack, OCC, recommended an approval.

Linda Ross suggested verbal warning be added before force is used.

Deputy Chief Reed discussed problems with warning.

Michael Adams, attorney, discussed concerns regarding weapon discharge review board.

Commissioner Hewlett then suggested that the parties involved work out the language so that the matter can be amended and approved.

John Crew, ACLU, discussed concerns regarding eliminating the Weapons discharge review board.

Motion by Commissioner Hewlett, second by Commissioner Friday. 8.11 was approved as amended by parties at the meeting. 5.02 motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 4-0 as amended. General Order 3.10, motion by Commissioner Hewlett, second by Commissioner Rodriguez. General Order is rescinded 4-0.

RESOLUTION NO. 160-95

APPROVAL OF REVISED GENERAL ORDER 5.02, "USE OF FIREARMS"

RESOLVED, that the Police Commission hereby approves revised General Order 5.02, "Use of Firearms" as amended.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

RESOLUTION NO. 161-95

ADOPTION OF GENERAL ORDER 8.11, "OFFICER INVOLVED SHOOTING"

RESOLVED, that the Police Commission hereby adopts General Order 8.11, "Officer Involved Shooting" as amended.

AYES: Commissioners Friday, Hewlett, Low, Rodriguez
ABSENT: Commissioner Conroy

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF REORGANIZATION OF THE DEPARTMENT'S CRIMINAL EVIDENCE COMPONENTS

Chief Ribera discussed the Forensic Services Division and reorganization of department. He stated James Norris is the new director of Forensic Division. Mr. Norris appeared and described goals of that unit.

Commissioner Low indicated there is no resolution needed at this point until a complete reorganization is recommended.

PUBLIC COMMENTS

Maggie Olesen discussed meetings held by Commission.

Terrence Allen discussed 938 Harrison case.

Monica discussed 938 Harrison case.

Joe Hishman asked the Commission to calendar matter of obstruction of sidewalks.

John Crew, ACLU, requested information regarding the William Hankston shooting.

Chief Ribera stated he will report back next week.

HEARING OF OFFICER ROBERT VELARDE, NORTHERN STATION (FILE NO. C45-134 BSK)

The hearing of Police Officer Robert Velarde, Northern Station, was called it having been set for this date. Officer Velarde was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of Duty (violation of Section II.A. of General Order D-6 of the San Francisco Police Department);

CHARGE NO. 2

Conduct Reflecting Discredit (violation of Resolution 1159-88 relating to General Order L-1 of the San Francisco Police Department) in violation of Section I.A.9 of General Order D-1;

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Robert Velarde appeared in person and was represented by Captain Richard Cairns.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Captain Cairns entered a plea of no contest on Charge Nos. 1 and 2 on behalf of Officer Velarde. Officer Velarde personally affirmed entry of a no contest plea in these matters.

Based on Officer Velarde's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Velarde be suspended for ten (10) days, six (6) days held in abeyance for three (3) years.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 162-95

DECISION - HEARING OF OFFICER ROBERT VELARDE, NORTHERN STATION (FILE NO. C45-134 BSK)

WHEREAS, on April 27, 1995, Anthony D. Ribera, Chief of Police of the

San Francisco Police Department, made and served charges against Police Officer Robert Velarde, as follows:

CHARGE NO. 1

Neglect of Duty (violation of Section II.A. of General Order D-6 of the San Francisco Police Department);

(1) At all times herein mentioned, Robert Velarde, Star Number 2209 (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to Northern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On March 14, 1994, at approximately 6:00 a.m., the accused responded to a call at Denny's Restaurant in Japantown. The victim was attempting to leave without paying his bill. The accused, after a conversation with the manager, took custody of the victim;

(4) The accused then transported the victim some two and one half miles to a deserted section of Golden Gate Park where he left the victim. The accused did not issue a Certificate of Release 849(b) form;

(5) General Order D-6, Section II.A. provides:

"When a person is removed from the location of a stop for any substantial distance, or is taken to a police facility for further questioning, or is physically restrained in any manner and is subsequently released pursuant to 849(b)(1) Penal Code, the person shall be issued a SFPD 184, Certificate of Release form signed by the releasing officer or his superior officer. The detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation."

(6) The accused's conduct violated this order;

CHARGE NO. 2

Conduct Reflecting Discredit (violation of Resolution 1159-88 relating to General Order L-1 of the San Francisco Police Department) in violation of Section I.A.9 of General Order D-1;

(7) Paragraphs (1) through (6), inclusively, are realleged as written;

(8) After dropping off the victim, the accused returned to the Denny's where he instructed the manager to deny the officer ever had contact with the victim. This action by the officer violated Penal Code Sections 133, 136.1 and 137;

(9) This action constitutes a violation of General Order D-1 in that it is:

"Any breach of the peace, neglect of duty, misconduct or any other conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

(10) Furthermore, this action was a violation of resolution 1159-88 prohibiting attempts to threaten, intimidate, mislead or harass potential witnesses which are violations of General Order L-1;

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 1, 1995, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Velarde's plea of no contest, the Commission finds the allegations contained in Charge Nos. 1 and 2, as preferred by the Chief of Police Anthony D. Ribera against Officer Robert Velarde are sustained; and the Commission adopts the sustained charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

CHARGE NOS. 1 AND 2

Sustain - Ten (10) day suspension; six (6) days held in abeyance, four (4) days imposed; Probation for three (3) years.

FURTHER RESOLVED, that four (4) days actual suspension shall commence on

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 8:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 8, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Approval of Minutes of Meetings of August 9th, August 16th, September 6th and September 13, 1995
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Chief's Report to the Police Commission
6. OCC Director's Report to the Police Commission
7. Presentation of the OCC 1995 Third Quarter Report
8. Request of the Chief of Police for a Supplemental Appropriation in the Amount of $50,000 from the Narcotics Seizure and Asset Forfeiture Fund for Acquisition of Portable (PIC) Radios for Exclusive Use by Officers Assigned to Potrero Station
9. Discussion and Action re: Revision to General Order 8.11, "Officer-Involved Shootings"

The Police Commission

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President

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 8, 1995

10. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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(Chapter 67 of the San Francisco Administrative Code)

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NOVEMBER 8, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

APPROVAL OF MINUTES OF MEETINGS OF AUGUST 9TH, AUGUST 16TH, SEPTEMBER 6TH AND SEPTEMBER 13, 1995

Approval of minutes of meetings of August 9th, August 16th, September 6th and September 13, 1995, the Commissioners having received, approved and returned the copies of same.

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Minutes approved 5-0.

POLICE COMMISSION REPORT

Commissioner Hewlett discussed Operation Dream and attended a sports event supporting Operation Dream and commended the program.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed announced Chief Ribera is unable to attend. He was attending a function for the PAL.

Chief Reed then discussed shooting in Tenderloin and stated the Chief would report status of the 938 Harrison Street investigation next week.

Lieutenant Davenport, Management Control, addressed the Commission and updated the Commission regarding the Aaron Williams' case and it appears nine officers will be charged before the Police Commission.

Chief Reed then distributed a reorganization chart for the Forensic Services Division.

Chief Reed discussed failure of 911 system over the weekend due to a mechanical failure. He indicated that an alarm is being installed to alert regarding future breakdown and that the department, along with the Department of Electricity and PacBell are looking into the 911 problems.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer, OCC, stated that the OCC has completed their move to 480 Second Street and that the office will be open Friday, November 10th.

He also discussed the passing of Prop G and that he is seeking a supplemental budget appropriation for additional staff. He also stated that he will be attending and speaking at the California Peace Officers conference on November 5, 1995.

PRESENTATION OF THE OCC 1995 THIRD QUARTER REPORT

Director Lance Bayer presented the 3rd Quarter Statistics and he also indicated that he will review policy recommendations with Lieutenant Pecinovsky for presentation before the full Commission at a later date.

John Crew, ACLU, discussed discrepancy in dates of Harrison case given to the Chief and he also asked the Commission to calendar status report on pending disciplinary cases.

Commissioner Hewlett then discussed the election run-off December 12th and discussed proceeding with cases and problems if a new Commission is to be appointed. She also discussed concerns, the rights of the officers and witnesses and legal problems regarding that.

Director Bayer then stated that he would be meeting with Lieutenant Davenport before the next meeting and present a status report on pending disciplinary cases.

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $50,000 FROM THE NARCOTICS SEIZURE AND ASSET FORFEITURE FUND FOR ACQUISITION OF PORTABLE (PIC) RADIOS FOR EXCLUSIVE USE BY OFFICER ASSIGNED TO POTRERO STATION

Lieutenant Chris Weld, Investigations, presented the request for supplemental appropriation. Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 5-0.

RESOLUTION NO. 168-95

APPROVAL OF SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $50,000 FROM THE NARCOTICS SEIZURE AND ASSET FORFEITURE FUND FOR ACQUISITION OF PORTABLE (PIC) RADIOS FOR EXCLUSIVE USE BY OFFICERS ASSIGNED TO POTRERO STATION

WHEREAS, the Police Department wishes to appropriate funds from the Narcotic Seizure and Asset Forfeiture Fund; and

WHEREAS, the funds are requested for the immediate supply of portable radios dedicated for use in the police district with the highest incidence of controlled substance trafficking and abuse; and

WHEREAS, it is our goal to improve community health and well-being, as well as officer safety; now therefore be it

RESOLVED, that the Police Commission hereby approves the attached appropriation (Appendix I, Attachment 1) of $50,000 to cover acquisition of additional portable radios to achieve these goals.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DISCUSSION AND ACTION RE: REVISION TO GENERAL ORDER 8.11, "OFFICER-INVOLVED SHOOTINGS"

Commander Holder presented General Order 8.11. Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 5-0.

RESOLUTION NO. 169-95

APPROVAL OF REVISED GENERAL ORDER 8.11, "OFFICER-INVOLVED SHOOTINGS"

RESOLVED, that the Police Commission hereby approves and adopts revision to General Order 8.11, "Officer-Involved Shootings."

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

Maggie Olesen discussed officer-involved shooting and recruiting of new officers.

John Crew, ACLU, discussed Prop G and implementation and supplemental appropriation for monies for settlement of suits against the police department. He also discussed concerns regarding disciplinary cases and possibility of new commission being appointed after the election; also, concerns regarding Sergeant Haggett shooting and request for more information regarding Hankston shooting.

Thereafter, the meeting was adjourned at 6:40 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 15, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Police Commission Report
   a. Motion for Calendaring of New Items
4. Chief's Report to the Police Commission
5. OCC Director's Report to the Police Commission
6. Status Report re: Investigation of 938 Harrison Incident
7. Discussion and Action re: Revision of General Order 1.01 "Organizational Structure"
8. Discussion and Action re: Revision of General Order 1.08 "Duties of Inspectors"
9. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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NOVEMBER 15, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Rodriguez
Commissioner Low arrived at 6:30 p.m.

POLICE COMMISSION REPORT

None

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera announced that he sworn in the new director for the Forensic Unit, Director Jim Norris, this afternoon.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Lance Bayer stated that he attended the California Peace Officers conference and addressed the group on ethics. He also discussed inquiry by John Crew regarding backlog of cases. Of the 38 cases, four are Commission level, 20 some actions has been taken and 14 are still being reviewed. He also requested page 2 of his quarterly report be amended as there was incorrect totals. He also asked to calendar hearing rules regarding civil claims against the City and County of San Francisco for November 29th. He also invited the Commission to the new offices at their convenience at 480 Second Street.

DISCUSSION AND ACTION RE: REVISION OF GENERAL ORDER 1.08, "DUTIES OF INSPECTORS"

Taken out of order.

Commissioner Hewlett discussed a letter from the POA and asked that it be referred to the City Attorney for advise.

STATUS REPORT RE: INVESTIGATION OF 938 HARRISON INCIDENT

Regarding the 938 Harrison Street Incident, Chief Ribera stated there were complaints against 22 officers that were sustained. He along with Lieutenant Davenport and Management Control and Lance Bayer indicated 20 cases are sent for Chief's letters; two cases sent to commanding officers for service of charges.

Kate Dyer, representative of Steele, Clarence, Buckley Law Firm, discussed concerns regarding the delay in the discipline process regarding this case.

The Chief stated two cases will be Commission cases.

Director Bayer described the process and timelines of the OCC investigations.

Ms. Dyer asked that more officers be brought to the Commission level due to the nature of their allegations.

Chief Ribera then stated he had talked with Lance Bayer regarding the decision made on those cases.

Ms. Dyer expressed concerns regarding only two cases going to the Commission level.

John Crew, ACLU, stated that the OCC can prepare charges if the Chief refuses and also talked of time delay in the process of the investigation. He wants a public explanation of the process.

Mr. Terrence Allen, host of 938 Harrison party, discussed his concerns.

Commissioner Low arrived 6:30 p.m.

Gerard Koskovic addressed concerns regarding discipline process and pending cases.

Commission took a break at 6:35 after which Commissioner Low announced

that the Commission discussed legal issues and asked the Chief to brief them and make a statement regarding his decision on the disciplinary cases.

Chief Ribera then stated there were five cases considered at the Commission level. He looked at all the factors and decided three cases were ten day suspension cases; two a Chief's hearing was ordered; one case minor charges and there were numerous cases of discipline less than ten days.

John Crew, ACLU, discussed suspension held in abeyance as penalty and discussed officers lying during the investigation and cooperation during the investigation.

Mary Vail, Bar Association, urged the Commission into the lying allegations during the investigation.

Joseph Cain, complainant, discussed being upset with the discipline.

DISCUSSION AND ACTION RE: REVISION OF GENERAL ORDER 1.01 "ORGANIZATIONAL STRUCTURE"

Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Approved 5-0.

RESOLUTION NO. 170-95

APPROVAL OF REVISED GENERAL ORDER 1.01, "ORGANIZATIONAL STRUCTURE"

RESOLVED, that the Police Commission hereby approves revision of General Order 1.01, "Organizational Structure."

AYES: Commissioner Conroy, Friday, Hewlett, Low, Rodriguez

PUBLIC COMMENTS

John Crew, ACLU, asked for an explanation regarding Hankston shooting and how it occurred.

Maggie Olesen suggested a public relations unit be formed to improve the police department's image.

Louise Vaughn discussed actions of police and discussed actions of Sergeant Haggett.

Cousin of Aaron Williams discussed concerns regarding Aaron Williams' case and why the mater is not on the calendar; concerns regarding action of the Chief and when would any actions be taken regarding the Aaron Williams' matter.

OCC Director Lance Bayer indicated that the investigation will be sent to the Chief.

Lynette Robinson, Aunt of Aaron Williams, discussed case and asked why the officers are still working.

John Burns, attorney Aaron Williams' Family, discussed lack of confidence with discipline process and asked when it will be completed.

Mary Vail, Bar Association, discussed Prop G in recent election and her concerns regarding civil judgment and appropriation regarding civil suits against police department.

Thereafter, the meeting was adjourned at 8:00 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
POLICE COMMISSION MEETING

There will be no Police Commission Regular Meeting on Wednesday, November 22, 1995. The next meeting will be on Wednesday, November 29, 1995, at 5:30 p.m., in the Hall of Justice, 850 Bryant Street, Room 551.

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NOVEMBER 29, 1995 **SPECIAL MEETING**

Procedural Hearings for the taking of evidence was conducted by Commissioner Clothilde Hewlett on the following matter:

PROCEDURAL HEARINGS FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST OFFICER CLIFTON MATTHEWS, SUPPORT SERVICES (FILE NOS. C45-018, C45-133, C34-136 AND C34-144 JWA)

The hearing for taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews was called at 10:00 a.m., it having been set for this date.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton A. Matthews was present and was represented by Mr. Michael Levinsohn, Attorney at Law.

A motion to exclude witnesses was granted by Commissioner Hewlett.

Opening statements were made by Mr. Jerry Akins and Mr. Michael Levinsohn.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant John Ehrlich, Southern Station
Lieutenant Michael Puccinelli
Sergeant Jerry Lankford

The following exhibits were entered by the Prosecution for identification:

Exhibit No. 1	Copy of memo from Lieutenant J. Hall, dated January 27, 1994
Exhibit No. 2	Copy of memo from Lieutenant M. Puccinelli, dated January 28, 1994
Exhibit No. 7	Copy of Police Report #940136159

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit No. 3	Photo of Valerie Matthews
Exhibit No. 4	Photo of Valerie Matthews
Exhibit No. 5	Photo of Valerie Matthews
Exhibit No. 6	Photo of Valerie Matthews
Exhibit No. 8	Polaroid Photo of Valerie Matthews
Exhibit No. 9	Polaroid Photo of Valerie Matthews
Exhibit No. 10	Polaroid Photo of Valerie Matthews
Exhibit No. 11	Polaroid Photo of Valerie Matthews
Exhibit No. 12	Police Report San Bruno #93-00634

The following exhibit was entered by the Defense for identification:

Exhibit A San Bruno Police Report #94-02092 (6 pages)

The meeting was then adjourned to be continued on December 5, 1995 at 2:45 p.m.

Recess taken during the hearing of Officer Matthews:

12:20 p.m. - 2:10 p.m.
3:20 p.m. -3:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 29, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

PUBLIC SESSION

ROOM 551
5:30 p.m.

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1. Pledge of Allegiance
2. Roll Call
3. Approval of Consent Calendar
4. Police Commission Report
   a. Motion for Calendaring of New Items
5. Assignment of Commissioner and Setting of Date on Charges Filed Against Captain Michael Yalon, Southern Station (File No. C56-055 BSK)
6. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer John Ehrlich, Southern Station (File No. C56-056 BSK)
7. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer John Haggett, Southern Station (File No. C56-057 BSK)
8. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Stephen Bosshard, Southern Station (File No. C56-058 BSK)
9. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Edward Santos, Southern Station (File No. C56-059 BSK)
10. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Hoyt Wong, Southern Station (File No. C56-060 BSK)
11. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Stephen Zimmerman, Juvenile Division (File No. C56-111 BSK)

The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 29, 1995

12. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Mario Andaya, Support Services (File No. C56-112 BSK)

13. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Gregory Neal, Richmond Station (File No. C56-113 BSK)

14. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Gerald Louie, Planning Division (File No. C56-115 BSK)

15. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Arnaldo Aleman, Richmond Station (File No. C56-116 BSK)

16. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Catherine Bianchi, Richmond Station (File No. C56-117 BSK)

17. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Randy Flannery, Richmond Station (File No. C56-118 BSK)

18. Assignment of Commissioner and Setting of Date on Charges Filed Against Officer Peter Ionin, Richmond Station (File No. C56-119 BSK)

19. Chief's Report to the Police Commission

20. OCC Director's Report to the Police Commission

21. Request of the Chief of Police to Accept Gift of Twelve (12) Utility Vehicles from the Department of the Army valued at over $5,000.00

22 Discussion and Action re: Amending Office of Citizen Complaints and San Francisco Police Department Rules regarding Civil Claims

23. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, NOVEMBER 29, 1995

24. Disposition Hearing on Appeal of the Chief's Suspension of Officer Severo Flores, Potrero Station (File No. JWA D45-288)

25. Disposition Hearing on Charges Filed Against Officer Kelvin K. Tso, Support Services (File Nos. C34-223 BSK & C45-087 RLC)

26. Disposition Hearing on Charges Filed Against Officer Malcom Fong, Ingleside Station (File No. C56-007 JWA)

CONSENT CALENDAR

1. Request of Captain Lawrence Minasian for Approval to Accept Donation in the Amount of $3,169.01, from Various Individuals and Corporations, for the Purpose of Equipping the Tactical Command Vehicle

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

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NOVEMBER 29, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 6:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

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APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 171-95

APPROVAL TO ACCEPT DONATION IN THE AMOUNT OF $3,169.01, FROM VARIOUS INDIVIDUALS AND CORPORATIONS, FOR THE PURPOSE OF EQUIPPING THE TACTICAL COMMAND VEHICLE

RESOLVED, that the Police Commission hereby approves to accept donation totalling $3,169.01 from various individuals and corporations for the purpose of equipping the tactical command vehicle.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

No items to be calendared.

Commissioner Low then called the disciplinary actions and assignments items 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 27 regarding the officers involved in the 938 Harrison Street and Aaron Williams matter. He announced these matters could be assigned to the full commission but they would be assigned to him for motions, etc.

Commissioner Low indicated it was his understanding that there would be motions filed in these matters and he indicated that all motions should be in writing and received in the Commission office by Monday, December 6th, so that the department response could be filed by Wednesday. He also indicated that he would review the motions and make a decision on the motions at the meeting of Wednesday, December 13th.

Al Triguiero, President POA, introduced the attorneys who would be representing the officers in these cases. The attorneys being Kathy Mahoney, Jim Collins, Bob Moore and Sylvia Courtney who was present to represent the officers.

Attorney Jim Collins expressed his opposition to the assignment of these cases to Commissioner Low. He discussed concerns regarding cases being politically motivated.

Attorney Bob Moore discussed his concerns and asked for the Commission to recuse themselves.

There was also discussion regarding motions to sever the case.

RESOLUTION NO. 172-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST MEMBERS INVOLVED IN THE 938 HARRISON INCIDENT: CAPTAIN MICHAEL YALON, LIEUTENANT JOHN EHRLICH, SERGEANTS JOHN HAGGETT, STEPHEN BOSSHARD, EDWARD SANTOS AND OFFICER HOYT WONG

WHEREAS, the assignment and setting of a date to conduct taking of evidence in the disciplinary charges filed against the aforementioned members involved in the 938 Harrison Street Incident was called it having been set for this date; therefore be it

RESOLVED, that this matter is assigned and will be heard by the full Commission at a date to be set later.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 173-95

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE ON CHARGES FILED AGAINST MEMBERS INVOLVED IN THE AARON WILLIAMS MATTER: SERGEANT STEPHEN ZIMMERMAN, OFFICERS MICHAEL ANDAYA, RANDY FLANNERY, GREGORY NEAL, GERALD LOUIE, ARNALDO ALEMAN, CATHERINE BIANCHI, PETER IONIN AND KIRK BOZIN

WHEREAS, the assignment and setting of a date to conduct taking of evidence in the disciplinary charges filed against the aforementioned members involved in the Aaron Williams Matter was called it having been set for this date; therefore be it

RESOLVED, that this matter is assigned and will be heard by the full Commission at a date to be set later.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera discussed the Safe Shoppers Program which begun November 24th and indicated high profile presence of the officers in the downtown area during the holiday shopping season. He also indicated that on Friday, December 1st, 6:00 p.m., 170 recruit officers will be graduating from the Academy with the ceremony taking place at Washington High School. The officers will then be assigned to the street.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer briefed the Commission on progress report on hiring new investigators and stated they're in the process of interviewing candidates and hopefully two new investigators and one replacement will be assigned in January. He also indicated that Bruce Kapsack has been appointed to the Comprehensive Police Public Safety Strategy Task Force pursuant to Board of Supervisors"s resolution 660-95. He also requested Commission approval to teach a course outside the OCC.

RESOLUTION NO. 174-95

APPROVAL TO ACCEPT GIFT OF TWELVE (12) UTILITY VEHICLES FROM THE DEPARTMENT OF THE ARMY VALUED AT OVER $5,000.00

WHEREAS, the San Francisco Police Department is in need of vehicles to be available for special assignments and emergency situations; and

WHEREAS, the Department of the Army has offered to donate the following utility vehicles over five thousand dollars ($5,000.00) each to the Police Department:

Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18J9EF190876 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18J4EF192406 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18J3EF190842 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18J9FF118500 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18J4FF114631 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G8ED18JXFF192279 Chevrolet 2 dr. Blazer
Truck, 3/4 ton, 4x4, M1009, VIN 1G83D18J4EF190012 Chevrolet 2 dr. Blazer
Truck, Cargo, 1-1/4 ton, 4x4, M1008, VIN 1GCHD34J83F349925 Chevrolet Pickup
Truck, Shelter Carrier, 1-1/4 ton, 4x4, M1028, VIN 1GCHD34J8EF349925 Chevrolet Pickup
Truck, Shelter Carrier, 1-1/4 ton, 4x4, M1028, VIN 1GCHD34J6HF320928 Chevrolet Pickup
Truck, Shelter Carrier, 1-1/4 ton, 4x4, M1028, VIN 1GCHD34J4GF363212 Chevrolet Pickup
Truck, Shelter Carrier, 1-1/4 ton, 4x4, M1028, VIN 1GCHD34JXEF380982 Chevrolet Pickup;

WHEREAS, the civil-minded gesture will facilitate needed assistance in the protection of life and property in San Francisco; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code requires approval of the Board of Supervisors for acceptance of those gifts to the City and County of a value of more than five thousand dollars ($5,000.00); and

WHEREAS, the utility vehicles meet a need for service in the Police Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco urges the Board of Supervisors to authorized the Chief of Police to accept, on behalf of the San Francisco Police Department, a gift of twelve (12) utility vehicles from the Department of the Army.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Approved 5-0.

DISCUSSION AND ACTION RE: AMENDING OFFICE OF CITIZEN COMPLAINTS AND SAN FRANCISCO POLICE RULES REGARDING CIVIL CLAIMS

Director Lance Bayer presented his suggestion regarding amending OCC and Police Department Rules regarding civil claims. Stated he received a call from John Crew, ACLU, with suggestions. Al Triguiero, President POA, asked for meet and confer. They determined it is not a meet and confer situation and Commissioner low asked the matter be put over one week and that any suggestions be submitted in writing.

PUBLIC COMMENTS

Maggie Olesen discussed concerns regarding police actions.
Darren Williams, brother Aaron Williams, discussed concerns regarding case.
Unidentified discussed concerns regarding 938 Harrison case and asked for open hearings.
Sister of Aaron Williams discussed concerns regarding delay.
Father of Aaron Williams expressed his concerns.
Gerard Koskovich discussed his concerns regarding the anger of people and alleged misconduct of the officers in the shooting by Sergeant Haggett.
Louise Vaughn discussed concerns regarding Aaron Williams' case and the actions of Sergeant Haggett.
Officer Pat Mitchell discussed concerns regarding training of officers.
John Crew, ACLU, discussed Police Commission rules regarding motions, etc.

Break at 7:05 p.m. to prepare for the disposition hearings.

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER SEVERO FLORES, POTRERO STATION (FILE NO. JWA D45-288)

The hearing of the appeal of the Chief's suspension imposed on Officer Severo Flores, Potrero Station, was called it having been set for this date.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Officer Severo Flores appeared in person and was represented by Officers Dean Sorgie and John Sanford.

The Commission took the matter under submission, and returned, and the following resolution was adopted:

RESOLUTION NO. 175-95

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON OFFICER SEVERO FLORES, POTRERO STATION (FILE NO. JWA D45-288)

WHEREAS, a hearing on said appeal was held before the Police Commission pursuant to Section 8.343 of the charter of the City and County of San Francisco on Wednesday, October 18,

1995, and on Wednesday, November 29, 1995, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Officer Severo Flores, Potrero Station, was sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the Chief's Suspension of five days, three days held in abeyance, two days imposed on Officer Severo Flores be, and the same is hereby sustained.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER KELVIN K. TSO, SUPPORT SERVICES DIVISION (FILE NOS. C34-223 BSK & C45-087 RLC)

The hearing of Police Officer Kelvin K. Tso, Support Services Division, was called it having been set for this date. Officer Tso was charged with violating the Rules and Procedures as follows:

FILE NO. C34-223 BSK

SPECIFICATION NO. 1

Detaining a person without specific and articulable facts (violation of Rule II-A of General Order D-6 of the San Francisco Police Department);

SPECIFICATION NO. 2

Use of uncivil language and profanity showing lack of respect and courtesy (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failing to advise minor of Miranda rights and failure to report same (violation of Rule III-A of General Order D-12 of the San Francisco Police Department);

FILE NO. C45-087 RLC

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Kelvin Tso appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Bruce Kapsack, Attorney at Law, appeared on behalf of the Office of Citizen Complaints and the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on Specification Nos. 1 & 2 of Case No. C34-223 BSK and Specification Nos. 1, 2, & 3 of Case No. C45-087 RLC on behalf of Officer Tso.

Officer Tso personally affirmed entry of a no contest plea in these matters.

Closing statements were made by both Prosecuting and Defense Attorneys.

Based on Officer Tso's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Kelvin Tso be terminated; termination to be held in abeyance for three (3) years, and that Officer Tso be suspended for ninety (90) days and that Officer Tso receive counseling as directed by the Chief.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 176-95

DECISION - HEARING OF OFFICER KELVIN K. TSO, SUPPORT SERVICES DIVISION

WHEREAS, on June 21, 1994 and February 25, 1995, Chief Anthony D. Ribera and Acting Chief of Police Deputy Chief Frank Reed, made and served charges against Police Officer Kelvin K. Tso, as follows:

FILE NO. C34-223 BSK

SPECIFICATION NO. 1

Detaining a person without specific and articulable facts (violation of Rule II-A of General Order D-6 of the San Francisco Police Department);

(1) At all times herein mentioned, Officer Kelvin K. Tso, Star No. 602, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department , and at the time of the incident(s) alleged herein was assigned to the Taraval Station of the San Francisco Police Department;

(2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On April 23, 1994, the accused was assigned to work routine patrol in the area of Harold Street and Ocean Avenue;

(4) The accused responded to a call of a disturbance at 271 Harold. On route, he observed the victim and a witness;

(5) The accused arrested the victim without proper cause, for an alleged violation of 647c of the penal code (Obstruction of street or sidewalk) in violation of General Order J-5 section E-3, which states:

" 'Obstruction' means intentionally placing one's body in the normal path of a person's approach causing the person's "free movement" to be obstructed. Causing a slight deviation in a pedestrian's path does not necessarily constitute an illegal obstruction; nor does the mere presence of a person on a sidewalk. A street or sidewalk cannot be obstructed, only a person. When arrests are made for violation of either 647c PC or 22 MPC, officers shall make reasonable efforts to identify, but at least must describe person(s) who were obstructed by the party to be arrested or cited."

(6) The accused had no knowledge of what activity the victim or the witness were engaged in aside from walking alone on the sidewalk. Such activity is not criminal or suspicious in nature. The arrest of the victim violates the General Orders; to wit:

GENERAL ORDER D-6, Section II-A:

"All persons have the right to use the public streets and places so long as they are not engaged in specific criminal activity. Factors such as race, sex, sexual preference, age, dress, unusual or disheveled or impoverish appearance do not alone justify even a brief detention or a request for identification absent individualized suspicion of that person's specific criminal activity according to the test set forth above. Nor can generalized complaints by residents or merchants or other, justify detention of any person absent such individual suspicion."

(7) The accused, committed a violation of General Order D-6, section II-A by arresting the victim;

"3. A police officer may briefly detain a person for questioning or request the person to produce identification only if the circumstances known or apparent to the officer include specific and articulable facts causing him or her to suspect that (1) some activity relating to crime has taken place or is occurring or about to occur, and (2) the person he or she intends to stop or detain is involved in that activity. Not only must the officer subjectively entertain such a suspicion, but it must be objectively reasonable for the officer to do so."

SPECIFICATION NO. 2

Use of uncivil language and profanity showing lack of respect and courtesy (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

(8) The allegations contained in Specification No. 1, paragraphs (1) through (7) are reallege and incorporated herein by reference as though fully set forth herein;

(9) The accused during his confrontation with the victim used profanity and displayed a severe lack of courtesy by calling the victim a "punk nigger". Said language violates the General Order; to wit:

GENERAL ORDER D-1, Section I(A)[14]:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane or uncivil language."

SPECIFICATION NO. 3

Failing to advise minor of Miranda rights and failure to report same (violation of Rule III-A of General Order D-12 of the San Francisco Police Department);

(10) On April 23, 1993, the accused arrested the victim for a penal code violation. The victim was a juvenile at the time of this arrest and that fact was known to the accused;

(11) The accused did not report whether he had told Mr. Miller of his Miranda rights;

(12) The accused, by failing to report whether he had told the victim of his Miranda rights, has engaged in conduct which constitutes a violation of Sections III.A of General Order D-12 of the San Francisco Police Department, and Training Bulletin No. 88-10, which states:

GENERAL ORDER D-12 Section III-A

"When a juvenile is taken into temporary custody, and there is reasonable cause for believing the juvenile is one described under Section 601 or 602 W&I code, said juvenile shall be read the Miranda Advisement (per 627(c) W&I Code)."

TRAINING BULLETIN No. 88-10, of the San Francisco Police Department:

"III-A-1: Reports shall be also indicate whether or not the Miranda rights advisory was made to suspects, identify the officer who issued the Miranda statement, and

note the suspect's response."

FILE NO. C45-087 RLC

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Kelvin K. Tso, Star Number 602, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Support Services Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On June 22, 1994, the accused worked the day shift in the Support Services Division, and during his tour of duty, he encountered a Department of Public Works custodian assigned to the Hall of Justice (hereinafter referred to as "the Victim") in the basement of the Hall of Justice;

(4) On June 22, 1994, during his encounter with the victim, without provocation, the accused challenged the victim to a physical fight, and acted in a menacing, threatening, and discourteous manner towards the victim. In addition, the accused called the victim a "Faggot";

(5) On February 23, 1994, relative to the Police Commission matters C34-018 JWA, C34-047 JWA, and C34-114 JWA, the accused entered a plea of no contest to seven specifications based on allegations of discourteousness, using harsh or profane language to a citizen, and refusing to obey a direct order from a superior officer. Upon the accused's plea of no contest, the Honorable Police Commission imposed the following penalty;

"... - Forty-five day suspension, fifteen (15) days held in abeyance for two (2) years. Upon completing of the suspension, Officer Tso shall be assigned, on loan, to the Support Services Division for six months. Upon Officer Tso's return to duty, he shall immediately schedule an appointment with Captain Charles Hoenisch and enter into a contract for counseling and training regarding relations with the public and department policy in connection with the areas of concern covered within the charges. Any dispute in the nature of the contract or training shall be resolved by the Chief of Police. On his completion of the six month loan to the Support Services Division, Officer Tso shall report to the Chief of Police Anthony D. Ribera for an interview to convince the Chief that Officer Tso is indeed ready to return to patrol duties."

(6) The accused, by engaging in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department on June 22, 1994, has engaged in conduct which authorizes the imposition of the fifteen day suspension, or some portion thereof, which is now held in abeyance pursuant to the resolution of the Police Commission dated February 23, 1994;

(7) The accused, by his conduct on June 22, 1994 of challenging the victim to a physical fight, and acting in a menacing, threatening, and discourteous manner towards the victim, and calling the victim a "faggot", acted in a manner consistent with his actions in the specifications sustained on February 23, 1994, and has engaged in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the Department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not

specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(8) The allegations contained in paragraphs (1) through (5) of Specification No. 1 above are incorporated herein by reference and reallege as set forth in full;

(9) On June 22, 1994, subsequent to the accused's encounter with the victim, the victim's supervisor engaged the accused in a conversation which related to the incident with the victim. During the course of the conversation with the victim's supervisor, the accused was rude and discourteous towards the supervisor;

(10) The accused, by engaging in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department, has engaged in conduct which authorizes for the imposition of the fifteen day suspension, or some portion thereof, which is now held in abeyance pursuant to the resolution of the Police Commission dated February 23, 1994;

(11) The accused, by being rude and discourteous to the victim's supervisor, acted in a manner consistent with his actions in the specifications sustained on February 23, 1994, has engaged in conduct which subverts the good order, efficiency and discipline of the department and brings discredit on the department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 29, 1995, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Kelvin K. Tso's plea of no contest, the Commission finds that the allegation contained in Specification Nos. 1 and 2 of Case No. C34-223 BSK, and Specification Nos. 1, 2 and 3 of Case No. C45-087 RLC, as preferred by Chief of Police Anthony D. Ribera and Acting Chief of Police Frank Reed are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (Case No. C34-223 BSK)

Sustain

SPECIFICATION NO. 2 (Case No. C34-223 BSK)

Sustain

SPECIFICATION NO. 1 (Case No. C45-087 RLC)

Sustain

SPECIFICATION NO. 2 (Case No. C45-087 RLC)

Sustain

SPECIFICATION NO. 3 (Case No. C45-087 RLC)

Sustain

RESOLVED, that Officer Kelvin K. Tso be terminated; said termination held in abeyance for three (3) years; that Officer Tso be suspended for ninety (90) days and receive counselling as directed by the Chief of Police.

FURTHER RESOLVED, that said ninety (90) day suspension shall begin on Saturday, December 2, 1995, at 0001 hours, and terminate on Thursday, February 29, 1996, at 2400 hours.

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER MALCOLM FONG, INGLESIDE STATION (FILE NO. C56-007 JWA)

The hearing of Police Officer Malcolm Fong, Ingleside Station, was called it having been set for this date. Officer Fong was charged with violating the Rules and Procedures as follows:

FILE NO. C56-007 JWA (#1)

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion when questioned by a Superior Officer concerning his duties (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a Superior Officer concerning his duties (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to promptly report damage to department property (violation of Rules 24 and 25 of Department General Order 201 of the San Francisco Police Department);

FILE NO. C45-007 JWA (#2)

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion when questioned by a Superior Officer concerning his duties (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

SPECIFICATION NO. 2

Operating a vehicle on which the registration had expired and which carried stolen registration tabs in violation of California law, a failure to obey the law and conduct which brings discredit on the department (violation of Rules 1 & 9 of Department General Order

2.01 of the San Francisco Police Department);

in a properly verified complaint by Anthony D. Ribera, Chief of Police of the San Francisco Police Department.

Officer Malcolm Fong appeared in person and was represented by Ms. Kathy Mahoney, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Mahoney entered a plea of no contest on Specification Nos. 1, 2 & 3 of Case No. C56-007 JWA (#1) and Specification Nos. 1 & 2 of Case No. C56-007 JWA (#2) on behalf of Officer Fong. Officer Fong personally affirmed entry of a no contest plea in these matters.

Closing statements were made by both Prosecuting and Defense Attorneys.

Based on Officer Fong's plea of no contest, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Malcolm Fong be terminated; termination to be held in abeyance for five (5) years, and that Officer Fong be suspended for one hundred eighty (180) days and that Officer Fong receive counseling as directed by the Chief of Police.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 177-95

DECISION - HEARING OF OFFICER MALCOLM S. FONG, INGLESIDE STATION

WHEREAS, on July 31, 1995 and August 30, 1995, Chief Anthony D. Ribera, made and served charges against Police Officer Malcolm S. Fong, as follows:

FILE NO. C56-007 (#1)

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion when questioned by a Superior Officer concerning his duties (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Officer Malcolm Fong, Star Number 659, (hereinafter referred to as "the accused") was employed by the San Francisco Police Department assigned to Ingleside Station, Field Operations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 17, 1995, the accused was on duty at Ingleside Station; at approximately 0048 hours, the accused drove one department car into another department car that was parked in the station's parking lot; he left the area on a personal errand, returned and parked the car he was driving away from the car he struck; he entered the station, changed out of his uniform, reported off-duty and left the station without telling anyone he had hit the other car;

(4) While the accused was in the station, another officer had discovered the damage to the car the accused hit; the car was now inoperable; he summoned a Sergeant and Lieutenant to investigate; as the accused left the station at 0130 hours, the Lieutenant called him over to ask him if he knew anything about the damage to the department vehicle;

(5) The accused denied any knowledge of the damage to the department vehicle which was not inoperable; the Lieutenant asked him again and he denied any knowledge

of the damage and when the Lieutenant asked the third time, the accused hesitatingly admitted to the collision;

(6) The accused then told the Lieutenant that he had checked the two vehicles with his flashlight before leaving the scene of the collision and that he observed no damage to either vehicle and that was why he had not reported it;

(7) The accused, by making false statements and giving evasive answers to his superior officer when asked about the collision and the damage to the department vehicle, violated Rule 21 of General Order 2.01 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned by a Superior Officer concerning his duties (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(8) Each and every allegation contained in paragraphs (1) through (6) of Specification No. 1 above, is realleged as though set forth in full;

(9) On February 23, 1995, the accused was interviewed by an investigator from the Management Control Division concerning his actions; in the course of the interview, the accused denied that he had looked for the damage with his flashlight and denied that he had told the Lieutenant that he had looked for damage with his flashlight; the accused then attempted to be evasive about his responses to the Lieutenant's questions about the damage;

(10) The accused, by making false statements and evasive statements to the Management Control Division investigator interviewing him regarding the above described activities, violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 3

Failure to promptly report damage to department property (violation of Rules 24 and 25 of Department General Order 2.01 of the San Francisco Police Department);

(11) Each and every allegation contained in paragraphs (1) through (6) of Specification No. 1 above, is realleged as though set forth in full;

(12) Department General Order 2.06 requires members involved in accidents involving department vehicles to remain on the scene and to call Communications so that a supervisor can be notified to investigate the incident;

(13) The accused did not notify Communications of the collision and did not remain on the scene to wait for a supervisor's investigation; the accused would have left the station without making a written report if the Lieutenant had not called him over and ordered him to do so when he finally owned up to the damage he had done;

(14) The accused, by not notifying Communications in violation of Rule 2.06 and by not making a written report of the damage he did to the patrol vehicle which took it out of service, violated Rules 24 & 25 of Department General Order 2.01 of the San Francisco Police Department, which states:

"24. LOSS OR DAMAGE TO DEPARTMENT PROPERTY. Members shall promptly report in writing any loss of or damage to Department Property entrusted to their use. Additionally, officers shall inspect their assigned vehicles and equipment and report any defect or damage, in writing, to their superiors. Failure to report defects or damage prior to use shall indicate that the officer assumes full responsibility for the damage."

"25. ON-DUTY WRITTEN REPORTS. While on-duty, members shall make al required written reports of crimes or incidents requiring police attention."

FILE NO. C56-007 (#2)

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion when questioned by a supervisor and by a Management Control Division investigator (violation of Rule 21 of Department General Order 2.01 of the San Francisco Police Department);

(1) At all times herein mentioned, Officer Malcolm S. Fong, Star Number 659, (hereinafter referred to as "the accused") was employed by the San Francisco Police Department assigned to Ingleside Station, Field Operations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On April 2, 1995, the accused was on duty at Ingleside Station working the day watch; on April 2, 1995, in the course of checking registration of vehicles parked at Ingleside Station, the Station Keeper at Ingleside Station determined that the registration for one of the vehicles had expired in 1993; the vehicle displayed registration tabs attached to the license plate which expired in 1995; the officer who checked the registration told the accused that he was going to tow a red Honda parked in the lot because it had expired registration; the accused said, "don't do it; it's my car"; the officer told him, "okay, but take care of the registration" which the accused agreed to do; the vehicle with expired registration and 1995 tabs was registered to the wife of the accused and he had driven it to work;

(4) The Station Keeper who noticed the expired registration on the accused's Honda on April 2, 1995, told a sergeant at the station about the "expired registration with the 95 tabs"; the information finally came to the attention of a lieutenant at the station on May 13, 1995; the lieutenant contacted the Department of Motor Vehicles concerning the 1995 tabs attached to the accused's Honda and determined that they had been reported stolen; the lieutenant took a photograph of the vehicle and removed the stolen "95 tabs" from the license plate;

(5) On May 20, 1995, the lieutenant asked the accused to write a memorandum concerning the matter, the accused denied any knowledge of the 1995 tabs being affixed to his wife's Honda automobile he was driving; the accused wrote that he had just noticed that the 1993 tags had been removed by someone the night before he was directed to write the memorandum;

(6) In his memorandum and when questioned by the lieutenant, the accused represented that the Honda automobile had spent "the majority of the time in the shop" since 1993; the man who ran the shop stated that the vehicle had been in the shop for only very brief periods and that the last time was in February 1995; the accused stated to the lieutenant and to a Management Control Division investigator that he drove the vehicle only a few times, "not more than five times, probably less than that"; one of the officers assigned to Ingleside Station stated

that he had seen the accused's Honda at the station every day he worked at Ingleside Station since January 1995; the lieutenant stated that she had observed the accused's Honda on at least five separate occasions since April 2, 1995;

(7) The accused, by making false statements and giving evasive answers to his superior officer and the Management Control Division investigator, when asked about the expired registration and the stolen 1995 registration tab affixed to the license plate of the Honda automobile he was driving which he contended belonged to his wife, violated Rule 21 of Department General Order 2.01 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 2

Operating a vehicle on which the registration had expired and which carried stolen registration tabs in violation of California law, a failure to obey the law and conduct which brings discredit on the department (violation of Rules 1 & 9 of Department General Order 2.01 of the San Francisco Police Department);

(8) Each and every allegation contained in paragraphs (1) through (6) of Specification No. 1 above, is realleged as though set forth in full;

(9) The accused admitted that he and his wife have operated the Honda automobile subject of the herein charges since the registration expired in 1993; during 1994 and 1995, the accused and his wife accumulated sixteen parking unpaid citations for parking the Honda vehicle at various locations in San Francisco; on March 30, 1995, the red Honda with the stolen 1995 tab was cited for a parking violation near the accused's house;

(10) The accused, by accumulating and not paying sixteen parking citations in San Francisco during 1994 and 1995, by operating an unregistered vehicle in violation of California Vehicle Code section 4000 and by operating an unregistered vehicle with stolen evidence of registration displayed on the license plate in violation of California Vehicle Code section 4462(b), violated Rules 1 & 9 of Department General Order 2.01 of the San Francisco Police Department, which states:

"1. ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, to preserve the peace, prevent crime, enforce criminal laws and ordinances, and to regulate non-criminal conduct as provided by law. While on-duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

"9. MISCONDUCT: Any breach of the peace, neglect of duty, misconduct or any conduct on the part of an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, though not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, November 29, 1995, when the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Malcolm Fong's plea of no contest, the Commission finds that the allegation contained in Specification Nos. 1, 2 and 3 of Case No. C56-007 JWA (File No.

1) and Specification Nos. 1 and 2 of Case No. C56-007 (File No. 2) as preferred by Chief of Police Anthony D. Ribera are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (Case No. C56-007 JWA, File No. 1)

Sustain

SPECIFICATION NO. 2 (Case No. C56-007 JWA, File No. 1)

Sustain

SPECIFICATION NO. 3 (Case No. C57-007 JWA, File No. 1)

Sustain

SPECIFICATION NO. 1 (Case No. C56-007 JWA, File No. 2)

Sustain

SPECIFICATION NO. 2 (Case No. C56-007 JWA, File No. 2)

Sustain

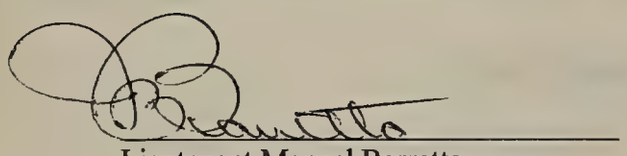
RESOLVED, that Officer Malcolm S. Fong be terminated; said termination held in abeyance for five (5) years; that Officer Fong be suspended for one hundred eighty (180) days and receive counselling as directed by the Chief of Police.

FURTHER RESOLVED, that said one hundred eighty (180) day suspension shall begin at 0001 hours on Wednesday, January 3, 1996, and end at 2400 hours on Sunday, June 30, 1996.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Thereafter, the meeting was adjourned at 7:55 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 6, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

ROOM 505-2
5:15 p.m.

1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Noemy Rincon v. CCSF, et al, San Francisco Superior Court No. 957-725

2. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Michael Lavella v. CCSF, et al and Related Cross-Complaint, Superior Court No. 955-038

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Consent Calendar
5. Police Commission Report
   a. Motion for Calendaring of New Items
6. Chief's Report to the Police Commission
7. OCC Director's Report to the Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

JOANNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 6, 1995

8. Discussion and Action re: Amending Office of Citizen Complaints and San Francisco Police Department Rules regarding Civil Claims

9. Request of the Chief of Police for Approval of Awards Committee Recommendation regarding the Pine & Franklin Incident

10. Discussion and Action re: Procedure on Appeal of Chief's Suspension

11. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

CONSENT CALENDAR

1. Request of the Chief of Police for Approval of Report of Expenditures from the Chief's Contingent Fund for the Months of July, August, September and October, 1995

2. Request of the Chief of Police for Approval to Accept Donation of $100.00 from the Fukushima Police Department (Japan) Police Officers for use of the Juvenile Division to Purchase Children's Furniture

3. Recommendation of the City Attorney for Settlement of the following claims:

   a. Noemy Rincon v. CCSF, et al, Superior Court No. 957-725
   b. Michael Lavella v. CCSF, et al and Related Cross-Complaint, Superior Court No. 955-038

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

945
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DECEMBER 6, 1995 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, in a Closed Session.

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Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Noemy Rincon v. CCSF, et al, San Francisco Superior Court No. 957-725

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Michael Lavella v. CCSF, et al and Related Cross-Complaint, Superior Court No. 955-038

PRESENT: Commissioner Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

DECEMBER 6, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant, at 5:45 p.m., in a Regular Meeting.

PRESENT: Commissioner Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

No vote to disclosed Closed Session.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 178-95

APPROVAL OF REPORT OF EXPENDITURES FROM THE CHIEF'S CONTINGENT FUND FOR THE MONTHS OF JULY, AUGUST, SEPTEMBER AND OCTOBER, 1995

RESOLVED, that the Police Commission hereby approves Report of Expenditures from the Chief's Contingent Fund for the months of July, August, September and October, 1995.

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 179-95

APPROVAL TO ACCEPT DONATION OF $100.00 FROM THE FUKUSHIMA POLICE DEPARTMENT (JAPAN) POLICE OFFICERS FOR USE OF THE JUVENILE DIVISION TO PURCHASE CHILDREN'S FURNITURE

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of $100.00 from the Fukushima Police Department (Japan) Police Officers for use of the Juvenile Division to Purchase Children's Furniture.

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 180-95

NOEMY RINCON v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Noemy Rincon v. City and County of San Francisco, et al" in San Francisco Superior Court No. 957-725 for damages sustained, be, and the same is hereby approved.

Date of Incident: August 13, 1993

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 181-95

MICHAEL LAVELLA v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation and cross-complaint of "Michael Lavella v. CCSF" in Superior Court No. 955-038 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 21, 1993

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

POLICE COMMISSION REPORT

No report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera stated the Safe Shoppers Program is going well.

Commander Holder then briefed the Commission regarding Operation Dream and also indicated they were collecting toys and putting together a Christmas Program for needy children.

Chief Ribera also stated he had discussion with Senator Feinstein's office on the proposed end to the band of assault weapons. He asked that the matter be calendared on December 13th for further discussion and action.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF AWARDS COMMITTEE RECOMMENDATIONS RE: PINE AND FRANKLIN INCIDENT

Matter put over to December 20th meeting due to inquiries regarding appeals forwarded to the Chief.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Lance Bayer indicated his office is moving on the hiring process and again indicated hiring of three new investigators by end of January. He also indicated he would be asking for a supplemental appropriation for compliance with Proposition G. He also has forwarded Policy Recommendations as a result of the 938 Harrison Street incident to the Legal Office for review and hopefully to the Commission sometime in January.

DISCUSSION AND ACTION RE: AMENDING OFFICE OF CITIZEN COMPLAINTS AND SAN FRANCISCO POLICE DEPARTMENT RULES REGARDING CIVIL CLAIMS

Director Lance Bayer presented changes for amending the OCC and Police Department rules regarding civil claims.

John Crew, ACLU, supports the change.

Commissioner Rodriguez expressed his concerns regarding time limitation and asked that time be added.

Sergeant Steve Johnson, POA, expressed his concerns regarding meet and confer.

Commissioner Hewlett responded by stating that this matter is not a meet and

confer and meet and confer is not necessary. She also discussed the follow-up report in six months.

After discussion, motion by Commissioner Friday, no second. Matter failed for lack of second.

RESOLUTION NO. 182-95

DISCUSSION AND ACTION RE: AMENDING OFFICE OF CITIZEN COMPLAINTS AND SAN FRANCISCO POLICE DEPARTMENT RULES REGARDING CIVIL CLAIMS

RESOLVED, that the Police Commission fails to approve amending Office of Citizen Complaints and San Francisco Police Department Rules regarding civil claims due to a lack of second to the motion.

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

DISCUSSION AND ACTION RE: PROCEDURE ON APPEAL OF CHIEF'S SUSPENSION

Linda Ross, Deputy City Attorney, presented procedure for appeal of Chief's suspension to the Commission. After discussion, motion by Commissioner Conroy, second by Commissioner Rodriguez. Approved 4-0.

Commissioner Conroy asked the City Attorney to research penalty enhancement if possible on disciplinary cases.

RESOLUTION NO. 183-95

APPROVAL OF PROCEDURE ON APPEAL OF CHIEF'S SUSPENSION

RESOLVED, that the Police Commission hereby approves procedure on Appeal of Chief's Suspension.

AYES: Commissioners Conroy, Friday, Hewlett, Rodriguez
ABSENT: Commissioner Low

PUBLIC COMMENTS

Maggie Olesen discussed concerns regarding Muni Railway protest and demonstrations, etc.

Daniel Zampano discussed problems and accusations to the Commissioners regarding concerns of the Police Department.

Elizabeth Shuhan requested a report on shooting involving Sergeant John Haggett.

Steve Johnson, POA, complimented Chief Ribera for the recent acquisition of more PIC radios.

Thereafter, the meeting was adjourned at 6:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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The Police Commission

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CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 13, 1995

Thomas J. Cahill Hall of Justice
850 Bryant Street
San Francisco, California

CLOSED SESSION

ROOM 505-2
5:15 p.m.

1. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Gerardo Dejelo, et al v. CCSF, Superior Court No. 951-919

2. Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Segura, Iliana v. CCSF, Unlitigated Claim #94-04547

PUBLIC SESSION

ROOM 551
5:30 p.m.

1. Pledge of Allegiance
2. Roll Call
3. Vote on Whether to Disclose Closed Session Discussion
4. Approval of Minutes of Meetings of October 4th, 11th, and 25th; November 1st, 8th and 15, 1995
5. Approval of Consent Calendar
6. Police Commission Report
   a. Motion for Calendaring of New Items
7. Chief's Report to the Police Commission

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

CALENDAR OF PROCEEDINGS
REGULAR MEETING OF THE POLICE COMMISSION
WEDNESDAY, DECEMBER 13, 1995

HARRY W. LOW
President

CLOTHILDE V. HEWLETT
Vice President

ANTHONY P. RODRIGUEZ
Commissioner

WAYNE FRIDAY
Commissioner

ANNEMARIE CONROY
Commissioner

LT. MANUEL BARRETTA
Secretary

8. Discussion and Action re: Adoption of New General Order 5.15, "Enforcement of Immigration Law"

9. OCC Director's Report to the Police Commission

10. Presentation of OCC Monthly Statistical Summary for October, 1995

11. Request of the Chief of Police to Apply for, Accept and Expend Funds to Conduct the State of California Department of Alcoholic Beverage Control 1996 Grant Assistance to Local Law Enforcement Agencies Project

12. Discussion and Action re: Opposition to Lifting of Ban on Assault Weapons

13. Public Comments

(Members of the public may address the Commission for up to 3 minutes for individuals or up to 5 minutes for groups. The President of the Commission may limit the total testimony time.)

14. Hearing on Notice of Motion for Recusal of the San Francisco Police Commission in the Matter of Captain Michael Yalon, et al.

CONSENT CALENDAR

1. Request of Officer Jeffrey M. Clark, Grant Unit, for Approval to Accept a Prize of a COMDEX Computer from the Zenith Data Systems Corporation

2. Recommendation of the City Attorney for Settlement of the following claims:

   a. Gerardo Dejelo, et al v. CCSF, Superior Court No. 951-919
   b. Segura, Iliana v. CCSF, Unlitigated Claim #94-04547

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE.

DECEMBER 13, 1995 **CLOSED SESSION**

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, 850 Bryant Street, in a Closed Session.

Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Gerardo Dejelo, et al v. CCSF, Superior Court No. 951-919

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Government Code 54956.9(a)
CONFERENCE WITH LEGAL COUNSEL
Existing Litigation:
Segura, Iliana v. CCSF, Unlitigated Claim #94-04547

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

DECEMBER 13, 1995 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, 850 Bryant Street, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

VOTE ON WHETHER TO DISCLOSE CLOSED SESSION DISCUSSION

Commissioner Low indicated that the Commission met in Executive Session with legal counsel.

APPROVAL OF MINUTES OF MEETINGS OF OCTOBER 4TH, 11TH, AND 25TH; NOVEMBER 1ST, 8TH AND 15, 1995

Approval of minutes of meetings of October 4th, 11th, and 25th; November 1st, 8th and 15, 1995, the Commissioners having received, approved and returned copies of same.

Motion by Commissioner Hewlett, second by Commissioner Conroy. Approved 5-0.

APPROVAL OF CONSENT CALENDAR

Motion by Commissioner Hewlett, second by Commisisoner Rodriguez. Approved 5-0.

RESOLUTION NO. 184-95

APPROVAL OF REQUEST OF OFFICER JEFFREY M. CLARK, GRANT UNIT, TO ACCEPT A PRIZE OF A COMDEX COMPUTER FROM THE ZENITH DATA SYSTEMS CORPORATION

RESOLVED, that the Police Commission hereby approves request of Officer Jeffrey M. Clark to accept a prize of a COMDEX Computer from the Zenith Data Systems Corporation.

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 185-95

GERARDO DEJELO, et al v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Gerardo Dejelo and Antonia Dejelo v. CCSF and Robert Johnston" in San Francisco Superior Court No. 951-919 for damages sustained, be, and the same is hereby

approved.

Date of Incident: October 21, 1992

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

RESOLUTION NO. 186-95

SEGURA, ILIANA v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of "Segura, Iliana v. City and County of San Francisco" in Unlitigated Claim No. 94-04547 for damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1995

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting December 20th and 27th unless there is an emergency.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera introduced Commander Holder who updated the Commission on Operation Dream. He briefed the Commission on Safe Shoppers' Program and presented statistics regarding police actions. Commander Holder indicated that the Department, in cooperation with the 49ers, were collecting toys in hopes that there would be enough for all the children in the Bayview District. Commander Holder stated working with the community in the Sunnydale Projects and is working on putting together a Christmas party for the residence in the Sunnydale area.

Commissioner Hewlett commends Commander Holder and the Housing Task Force for their efforts in Operation Dream and also their efforts in the area.

Commissioner Friday and Commissioner Rodriguez both commend and thanked Commander Holder for his efforts.

DISCUSSION AND ACTION RE: ADOPTION OF NEW GENERAL ORDER 5.15, "ENFORCEMENT OF IMMIGRATION LAW"

Lieutenant Pecinovsky, Legal, presented the Enforcement of Immigration Law General Order.

PUBLIC COMMENTS: regarding G.O. 5.15.

Robert Reubin supports General Order, expressed concerns regarding enforcement and urged the Commission to adopt.

Rene Salcido, attorney, supports general order.

Father Peter Simon indicated training is important regarding enforcement of the order.

Martha Jiminez support the general order.

Monica Hernandez urged support and approval.

After discussion, motion by Commissioner Hewlett, second by Commissioner Friday. Approved 5-0.

RESOLUTION NO. 187-95

ADOPTION OF GENERAL ORDER 5.15, "ENFORCEMENT OF IMMIGRATION LAWS"

RESOLVED, that the Police Commission hereby adopts General Order 5.15, "Enforcement of Immigration Laws."

AYES: Commissioners Conroy, Friday, Hewlett, Low, Rodriguez

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Lance Bayer, OCC Director, indicated he is moving on hiring new investigators and he is also in the process in reevaluating policies and procedures for the OCC.

PRESENTATION OF OCC MONTHLY STATISTICAL SUMMARY OCTOBER, 1995

Director Bayer presented OCC statistics for October, 1995.

REQUEST OF THE CHIEF OF POLICE TO APPLY FOR, ACCEPT AND EXPEND FUNDS TO CONDUCT THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL 1996 GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROJECT

Mike Curran, Vice Crimes, presented grant application. Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Approved 4-0 with Commissioner Friday dissenting.

PUBLIC COMMENTS: regarding Grant

Gerard Koscovich expressed concerns regarding the grant and Commissioner Low also asked that a review be filed with the Commission for public review.

DISCUSSION AND ACTION RE: OPPOSITION TO LIFTING OF BAN ON ASSAULT WEAPONS

Chief Ribera discussed the proposed lifting of the ban on assault weapons legislation and updated the Commission regarding status. Motion by Commissioner Hewlett, second by Commissioner Rodriguez. Commission votes 5-0 to oppose lifting of the ban on assault weapons.

PUBLIC COMMENTS

John Crew discussed concerns regarding first amendment audit by the OCC and ask report be calendared for January.

Terrence Allen discussed complaint regarding comments of Captain Mike Kemmitt and phone conversation.

HEARING ON NOTICE OF MOTION FOR RECUSAL OF THE SAN FRANCISCO POLICE COMMISSION IN THE MATTER OF CAPTAIN MICHAEL YALON, et al

Kathy Mahoney, Jim Collins, Bob Moore, attorneys, appeared on behalf of members.

Commission break 7:35 p.m. for meeting with the City Attorney.

Commissioner Low announced the Commission met with the City Attorney for advise. Attorneys for officers regarding 938 Harrison and Aaron Williams' matter requested evidentiary hearing. Commissioner Low denied motion. Motion by Commissioner Hewlett, second by Commissioner Conroy, evidentiary hearing denied.

Motion to disqualify the Commission was denied.

Commissioner Low to issue written legal opinion regarding their decision.

Matter further calendared for January 10 for further motions.

Thereafter, the meeting was adjourned at 7:55 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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DECEMBER 19, 1995 **SPECIAL MEETING**

The hearing for taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews was called at 1:35 p.m., it having been continued from the hearing of December 12, 1995.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton A. Matthews was present and was represented by Mr. Michael Levinsohn, Attorney at Law.

The following witnesses were called by the Prosecution, were sworn and testified:

Lieutenant Michael Puccinelli
Officer Tom Cresci, San Bruno Police Department
Officer Timothy Mahon, San Bruno Police Department
Sergeant Eric Wollman, Daly City Police Department

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit No. 17A	Photo - Arm of Valerie Matthews
Exhibit No. 17B	Photo - Arm of Valerie Matthews
Exhibit No. 17C	Photo - Arm of Valerie Matthews

The following exhibits were identified and entered into evidence by the Defense:

Exhibit C	Certified Copy - Bench Warrant #S441123, dated August 2, 1994
Exhibit D	Court File No. 156414 - Clifton Matthews
Exhibit E	Report of Lloyd Cunningham, dated July 17, 1995
Exhibit F	Report of Lloyd Cunningham, dated September 14, 1995
Exhibit G	Copy of Affidavit of Bob Davis
Exhibit H	Copy of memo from Officer Will Tercero, dated July 30, 1994
Exhibit I	Copy of memo from Sergeant Michael Dempsey, dated July 31, 1994
Exhibit J	Copy Registration Computer Print-out

The hearing was then adjourned to be continued on December 20, 1995 at 9:00 a.m.

Recess taken during the hearing of Officer Matthews:

2:30 p.m. - 7:30 p.m.
8:35 p.m. - 8:50 p.m.
9:30 p.m. - 9:45 p.m.
10:40 p.m. - 10:45 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

DECEMBER 20, 1995 SPECIAL MEETING

The hearing for taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews was called at 9:45 a.m., it having been continued from the hearing of December 19, 1995.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton A. Matthews was present and was represented by Mr. Michael Levinsohn, Attorney at Law.

The following witnesses were called by the Prosecution, were sworn and testified:

Mr. William Wolverton
Sergeant Tom Newland, SFPD
Ms. Alice Redmond
Inspector Mark Mahoney, SFPD
Officer Steven Mianchi, SFPD
Officer Edgar Gonzalez, SFPD

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit No. 18	Copies of Statement City Employees Credit Union #27783
Exhibit No. 19	Copies of Statement City Employees Credit Union #41962
Exhibit No. 20	Copy of Check No. 90130758 for $5,475.02
Exhibit No. 21	Copy of Check No. 90130759 for $3,466.04

The hearing was then adjourned at 7:30 p.m. to be continued on December 27, 1995 at 1:00 p.m.

Recess taken during the hearing of Officer Matthews:

11:00 a.m. - 11:10 a.m.
11:45 a.m. - 5:10 p.m.
5:40 p.m. - 5:45 p.m.
6:30 p.m. - 7:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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DECEMBER 27, 1996 **SPECIAL MEETING**

The hearing for taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews was called at 1:30 p.m., it having been continued from the hearing of December 20, 1995.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton A. Matthews was present and was represented by Mr. Michael Levinsohn, Attorney at Law.

The following witnesses were called by the Prosecution, were sworn and testified:

Ms. Martha Blake, Document Examiner SFPD
Ms. Sharon Wells
Lieutenant Sandra Tong, SFPD
Inspector Bob C. Davis, SPFD
Ms. Cherese Matthews
Inspector Ronald Reynolds, Management Control

The following exhibits were entered for identification by the Prosecution:

Exhibit No. 23	Chronological Report #940136159
Exhibit No. 24	Copy Daly City Police Report #52DET94-1193FUI
Exhibit No. 25	Synopsis of Interview - Cherese Matthews
Exhibit No. 29	Synopsis of Interview - Clifton Matthews

The following exhibits were identified and entered into evidence by the Prosecution:

Exhibit No. 22	Report of Laboratory Examination
Exhibit No. 26	Tape Interview of Cherese Matthews, 940136159
Exhibit No. 27	Certified Interview of Clifton Matthews
Exhibit No. 28	Taped Interview of Clifton Matthews, 5/26/93

The hearing was then adjourned at 11:15 p.m. to be continued on December 29, 1995, at 11:30 a.m.

Recess taken during the hearing of Officer Matthews:

6:00 p.m. - 7:10 p.m.
8:20 p.m. - 8:30 p.m.
9:30 p.m. - 9:35 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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DECEMBER 29, 1995 **SPECIAL MEETING**

The hearing for taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews was called at 11:50 a.m., it having been continued from the hearing of December 27, 1995.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Clifton A. Matthews was present and was represented by Mr. Michael Levinsohn, Attorney at Law.

The following witnesses were called by the Defense, were sworn and testified:

Mr. Joe Tonkovich, AAA
Officer Clifton Matthews

The following exhibits were identified and entered into evidence by the Defense:

Exhibit K1	Copy of Order of Superior Court No. F018327
Exhibit K2	Copy of Order of Superior Court No. F018327, Page 2
Exhibit K3	Copy of Order of Superior Court No. F018327, Page 3
Exhibit K4	Copy of Order of Superior Court No. F018327, Page 4
Exhibit K5	Proof of Service, dated August 23, 1994
Exhibit K6	Loss Narrative - Valerie Matthews, Page 1, dated 8/1/94
Exhibit K7	Loss Narrative - Valerie Matthews, Page 2, dated 8/1/94
Exhibit K8	Auto Claim Master Suffix Info 12/29/95
Exhibit K9	Auto Claim Master Suffix Info 12/29/95
Exhibit L	Copy of Check #160577, SF Police Credit Union, dated June 7, 1994, $450.00
Exhibit M	Copy of Report Martha Blake Lab Examination, Case No. A17293/94 dated December 29, 1995

The hearing was then adjourned to be continued on January 2, 1996, at 1:00 p.m.

Recess taken during the hearing of Officer Matthews:

11:55 a.m. - 12:05 p.m.
12:45 p.m. - 2:20 p.m.
3:20 p.m. - 3:30 p.m.
4:35 p.m. - 4:55 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION